The City Council of the City of Raleigh met in regular session on Tuesday, October 15, 1985 at 1:00 p.m. in the City Council Chamber of the Raleigh Municipal Building, 222 West Hargett Street with the following present:

Mayor Upchurch Presiding,
Ms. Babb
Ms. Block
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mr. Calloway - absent and excused.

Mayor Upchurch called the meeting to order an invocation was rendered by the Reverend Lawrence R. Lineberger, Our Savior Lutheran Church after which the following matters were discussed. Mayor Upchurch indicated Mr. Calloway had called and asked to be excused from the meeting without objection Mr. Calloway was excused.

RECOGNITION OF SPECIAL AWARDS

***NATIONAL REGISTRY OF HISTORIC PLACES - BOYLAN HEIGHTS, CAMERON PARK AND GLENWOOD NEIGHBORHOODS - CERTIFICATE PRESENTED

Mayor Upchurch introduced William S. Price, Jr., Historic Preservation Officer for the State of North Carolina. Mr. Price presented Mayor Upchurch with a certificate from the State of North Carolina, Department of Cultural Resources, Division of Archives and History certifying that the Early 20 Century Raleigh Neighborhoods - Boylan Heights, Cameron Park and Glenwood have been entered on the National Registry of Historic places by the United States Department of Interior. Cal Parks representing the Historic Properties Commission was at the meeting to witness the presentation.

***VOLUNTEER OF THE MONTH - IRVIN G. ZIMRING - RECOGNIZED

Mayor Upchurch explained the Volunteer of the Month Program and presented a certificate to Irving Zimring. He explained Mr. Zimring's volunteer efforts with the Wake County Hospital system, his involvement with Life line as well as his weekly work in the family waiting room at Wake Medical Center in the Intensive Care Unit. Mayor Upchurch expressed appreciation to Mr. Zimering for his outstanding volunteer contributions.

***CERTIFICATES OF APPOINTMENT - PRESENTATION MADE

Mayor Upchurch explained the presentation of certificates of appointment and presented the following certificates: Arts Commission - Pat Funberberk and Katie McKoy; Board of Adjustment - J. Tate Lanning; Downtown Advisory Committee - James H. Brown, Jr., Ames Christopher, Joseph Edwards, Alice Garland - Swink, John H. Parker, Spencer Wolfe and John P. Greene; Mayor's Committee for Services to the Handicapped - Suzanne Bradley; Human Resources and Human Relations Advisory Committee - George Saunders.

***UNITED WAY CAMPAIGN - CONTRIBUTION PRESENTED; CITY EMPLOYEES RECOGNIZED

City Manager Benton indicated each year the staff of the City Organization conducts a campaign to support United Way. He indicated this past year has been very successful indicating Assistant City Manager Lawrence Wray was in charge of the campaign. He indicated our goal was $40,000 and this year the campaign has raised $42,340 which is 26 percent above last years. He stated over 75 percent of the City employees have committed to contribute. Mr. Wray explained his work on the United Way and recognized the volunteers from the various departments who helped with the effort. He also recognized Ruby Greene of his department. Mr. Wray presented the City's commitment of $42,340 to representatives of the United Way Campaign. The representatives of the United Way presented Ms. Greene and Mr. Wray with a token of their appreciation.

***COUNCIL MEMBERS - RECOGNIZED

Mayor Upchurch indicated we are about to come to the close of a City Council tenure and he would like to say to Ms. Block, Ms. Babb, Mr. Keller and Mr. Calloway that he has enjoyed working with them and he feels that they have done a great service for the City of Raleigh. He indicated he is looking forward to continuing work with Ms. Cates, Mr. Walters and Mr. Congleton. Mayor Upchurch introduced Ralph Campbell Jr. indicated he is sure all Council Members are looking forward to working with Mr. Campbell making comments relative to Mr. Campbell and his family involvement in the City of Raleigh.

CONSENT AGENDA

***CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion if a Councillor requests discussion on an item and the item will be removed from the Consent Agenda and considered separately. He indicated the vote on the Consent Agenda will be a roll call vote.

Ms. Block requested that the item relating to Gas Service at Longview Pool site be withdrawn. Mr. Walters requested that the Zoning Hearings for the month of November be withdrawn. Mayor Upchurch requested that the Proposed Bi-laws for the Raleigh Economic Development Roundtable be withdrawn. Without objection these items were withdrawn from the Consent Agenda. Mr. Congleton moved that Administration's recommendations on the remaining items on the Consent Agenda be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. This items on the Consent Agenda were as follows:

***NEUSE WASTEWATER TREATMENT PLANT - CP&L OVERHEAD UTILITY EASEMENT - AUTHORIZED

A request has been reviewed from CP&L to convey an overhead utility easement on property at the Neuse River Wastewater Treatment Plant. A map was included in the Agenda packet. It will be an 80-foot long easement and will not interfere with the City's use of this property.

Recommendation: Approval of the granting of the easement for $1.00. Consent Agenda approval: Congleton/Babb - 7 ayes.

***VICTIM ASSISTANCE PROGRAM - SUBMITTAL OF GRANT - AUTHORIZED

On August 6, 1985, the Council approved the submission of a pre-application grant request to the State for a project to supplement the Victim Assistance Program. That request has been accepted and the City is authorized to submit a grant request for $56,149.14 for a one and one-half year program.

Recommendation: That Council approve submittal of the grant request. That Consent Agenda approval: Congleton/Babb - 7 ayes.

***ARMORED CAR DELIVERY - SERVICE CONTRACT - AGREEMENT WITH WELLS FARGO TO BE TERMINATED; AGREEMENT WITH FEDERAL ARMORED EXPRESS - AUTHORIZED

A review has been made of the current service contract and alternative proposals have been received. It is determined that the City can save funds by terminating the current contract with Wells Fargo and entering into a contract with Federal Armored Express to provide the service for $192.50 per month for one year.

Recommendation: That Council approve termination of the Wells Fargo Armored Car Service agreement and approve a contract with Federal Armored Express for $192.50 per month. Consent Agenda approval: Congleton/Babb 7 ayes.

***OLIVIA RANEY LIBRARY - SALE - AGREEMENT AUTHORIZED

There is a need to consummate a three-party agreement among the State, City, and County concerning this transaction. Included in the Agenda packet was a proposed agreement which is consistent with the terms of sale.

Recommendation: That Council approve the agreement. Consent Agenda approva: Congleton/Babb - 7 ayes.

***BIDS - SOUTH PARK SIDEWALK - BID AWARDED TO J. C. EDWARDS CONTRACTORS

Pursuant to readvertisement, bids were received and publicly opened in the Community Development Department on October 3, 1985 for the installation of approximately 5,100 linear feet of sidewalks with results as follows: J. C. Edwards Contractors and Engineering Incorporated - $63,312.50; William C. Vick Construction Company - $132,500.

Recommendation: That the low bids submitted by J. C. Edwards Contractors and Engineering Incorporated for $63,312.50 be accepted. Consent Agenda approval: Congleton/Babb - 8 ayes.

***CIVIC CENTER PLAZA - CHANGE ORDER RELATING TO ACCESS ROAD - APPROVED - FUNDS APPROPRIATED

A part of the City's responsibility is to construct an access road from Salisbury Street to the underground parking garage and modify the driveway to the hotel. Because of the impending plan to build the second office building, it is appropriate to construct a temporary driveway access to the York Hannover garage and hotel.

A change order has been negotiated with D. W. Ward Construction Company for $39,000.

Recommendation: Approval of the change order and the budget amendment as outlined on the Agenda in the amount of $39,000. Consent Agenda approval: Congleton/Babb 7 ayes. See Ordinance 650 TF 7.

***EXCHANGE PLAZA DESIGN - CONTRACT AWARDED TO DAN SEARS, LANDSCAPE ARCHITECT - FUNDS APPROPRIATED

In september, 1985, the Council approved retention of Dan Sears, Landscape Architect, to design modifications to Exchange Plaza. A contract has been negotiated and a fixed fee of $10,000 has been agreed upon. A copy of the agreement was in the Agenda packet.

Recommendation: Approval of the design services contract with Dan Sears and transfer of $11,000 from the contingency account. Consent Agenda approval: Congleton/Babb - 7 ayes. See Ordinance 650 TF 7.

***FIRE STATIONS 18, 19 AND 20 - ARCHITECT CONTRACT AWARDED TO CY MCGEE ARCHITECT

Two fire stations are scheduled for construction in FY85-86. The City has used the same architect in the past in order to continue use of the same design plans and save on design costs. It's desire is to retain the firm of Cy Mcgee, Architect, for design and construction administration of Stations 18 and 19 as well as Station 20 scheduled for next year. The fee schedules will be:

#18 - minimum fee $14,900.00
#19 - minimum fee $12,400.00
#19 - minimum fee $12,400.00

If the cost of the stations exceeds $325,000, the fee for #18 will be 4.6 percent of construction costs, and 4 percent for #19 and #20.

Recommendation: That the firm of Cy McGee be retained, the design services agreement approved and a transfer in the amount of $19,900 as outlined on the Agenda be authorized. Consent Agenda approval: Congleton/Babb - 7 ayes. See Ordinance 650 TF 7.

***SANITARY SEWER EASEMENT EXCHANGE - STONEY BROOK ROAD - RESOLUTION OF INTENT ADOPTED

The developer of Stoney Brook Commercial Center desires to relocate a sanitary sewer easement on his property of improving the use of his property. A map was included in the Agenda packet. The relocated easement would include more square footage and the developer will pay all costs.

Recommendation: That the Council approve the sanitary sewer easement exchange provided the developer pays all costs for relocating the existing sewer line and that the developer will do all relocation work in a manner to maintain continuity of service through the sewer lines. Consent Agenda approval: Congleton/Babb - 7 ayes.

RESOLUTION 1985 - 963

A RESOLUTION OF INTENT TO EXCHANGE SANITARY SEWER EASEMENTS

WHEREAS, because of an error during surveying it is necessary to relocate an existing sanitary sewer and associated 30-foot wide easement situated in Stoneybrook Commercial Center; and

WHEREAS, in order to effectuate this relocation, the City has received a proposal to exchange the sanitary sewer easement formally dedicated to the City for a new sanitary sewer easement and with the provision that the developer will pay all cost for the relocation of the sanitary sewer line; and

WHEREAS, the City Council intends to consider authorizing such an exchange of easement at its regular meeting to be held on Tuesday, November 5, 1985.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

1. The the City Clerk shall cause to be published at least ten (10) days prior to the 5th day of November, 1985, a notice of the proposed exchange as required by G. S. 160A - 271.

2. At its regular meeting on the 5th day of November, 1985, the City Council intends to authorize the exchange of property as outlined above and according to a map on file in the City Clerk's Office entitled "Trawick Commercial Associates."

Adopted: 10/15/85

Effective: 10/15/85

***SANITARY SEWER RELOCATION - TOWN RIDGE SHOPPING CENTER - EXCHANGE AUTHORIZED

This is a request to relocate an existing sanitary sewer easement on property in the Town Ridge Shopping Center area on U.S. 70 West. The developer will bear all cost of relocation, will dedicate the new easement, and the line will be constructed with ductile pipe.

Recommendation: That Council approve the sewer line relocation and authorize the exchange of easements. Consent Agenda approval: Congleton/Babb - 7 ayes.(See Page 1158)

***DOWNTOWN RESIDENTIAL LOAN PROGRAM - SUPPLEMENTAL REGULATIONS - APPROVED

In December, 1984, the City entered into an agreement with NCNB concerning the establishment of the $25 million Housing Loan Program. Included in the Agenda packet was a copy of supplemental regulations which are proposed for Council approval. The regulations refer to the maximum value of housing which can be financed through this program and these are set to establish a ceiling on the value of units in this

project. This does not mean that each unit will cost this amount. There will be units for sale under this top level.

This sets the top level for use in reserving loan funds for housing in this area and units selling for more than specified will not be eligible for the special loan program.

Recommendation: Approval of the supplemental regulations. Consent Agenda approval: Congleton/Babb - 7 ayes.

***ROAD RACE - NORTH CAROLINA ROAD RUNNERS CLUB ANNUAL RUN - FEBRUARY 16, 1986 - APPROVED

Mr. Jim Young, representing the North Carolina Road Runners Club, requests permission from the City Council to conduct a 5,000 meter run on February 16, 1986, starting at 1:00 p.m. and lasting until 3:30 p.m. The race starts on Departure Drive to Spring Forest, to Green Road, to Millbrook Road, to Signett Drive, to Leigh Drive, to Spring Forest, and finishes on Departure Drive. (Map included in the Agenda packet.)

Recommendation: Administration has no objection to this race being conducted as planned provided the sponsors provide necessary signs and barricades and provided they supply safety personnel along the route and at the intersections. Consent Agenda approval: Congleton/Babb - 7 ayes.

***LIMOUSINE SERVICE FRANCHISE APPLICATION - SEAGRAVES LIMOUSINE SERVICE - APPROVED ON SECOND AND FINAL READING

During the Council Meeting on October 1, 1985, the following application for a limousine service franchise was approved on the first reading;

Samuel Seagraves, Seagraves Limousine Service (New Franchise)

Recommendation: That the application be approved on second and final reading. Consent Agenda approval: Congleton/Babb - 7 ayes.

***TAXICAB OWNER'S PERMIT - APPROVED ON FIRST READING TO BE PLACED ON NOVEMBER 5, 1985 AGENDA

Applications have been received from the following to operate a taxi. The applications have been checked and meet the requirements of Section 12-2053 of the City Code.

Archie Curtis Bond, Archie's Bus and Taxi Service (Franchise Renewal)

Silas Sills and Dennis Sills, Holiday Cab Company (Franchise Renewal)

Frederick Rogers Sutton, Ebony Cab Company (Renewal of Individual Owner's Permit)

Mrs. Roberta Williams Howard, City Taxi Company (New Individual Owner's Permit)

Al Davis Smith, City Taxi Company (New Individual Owner's Permit)

Ntinginya Seiff Musisa, Safeway Cab Company (New Individual Owner's Permit)

Recommendation: That the applications for taxicab permits be approved with the understanding the applications would be placed on the Council Agenda for November 5, 1985, for the second and final consideration. Consent Agenda approval: Congleton/Babb - 7 ayes.

***BUDGET AMENDMENT - PARKS DEPARTMENT - ORDINANCE ADOPTED

The Agenda presented a Budget Amendment in the amount of $50 to place into an expenditure account a donation from the North Ridge Garden Club. The Agenda presented a second Budget Amendment in the amount of $3,423 to reflect the final allocation totaling $71,870 from Wake County Area Mental Health for FY 85-86.

Recommendation: That the Budget Amendments as outlined on Agenda be authorized. Consent Agenda approval: Congleton/Babb - 7 ayes. Ordinance 649.

ORDINANCE NO. (1985) 649

AN ORDINANCE TO AMEND THE 1985/1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Budget be amended as follows to provide funds for construction of a temporary driveway to the York Hanover garage and the Radisson Hotel.

Revenue:	40-1-0090-0221	Appropriated Reserve	$39,000.00
Expense:	40-2-1515-0101	Civic Center Plaza General	$39,000.00

Section 2. That the Budget be amended as follows to reflect the final allocation from Wake County Area Mental Health for FY 85-86:

Revenue:	02-1-6710-0100	AMA Special Pop.	$ 3,423.00
Expense:	02-2-6710-0105	Overtime	$ 3,223.00
	02-2-6710-0237	Car & Bus Rental	200.00

Section 3. That the Budget be amended as follows to place into expenditure account a donation from the North Ridge Garden Club:

Revenue:	37-1-0070-0200	Park Imp. Misc. Income	$ 50.00
Expense:	37-2-3000-0160	Beautification/Tree Plntg.	$ 50.00

Adopted: 10/15/85

***REIMBURSEMENT CONTRACTS - AMMONS, INC. AND PARAGON DEVELOPMENT COMPANY - APPROVED

Two reimbursable contracts have been signed by the applicant and returned for Council approval and the Mayor's signature. Costs have been certified by the Central Engineering Department.

Ammons, Inc. - $22,373.03
12-inch sewer main
Vestana and Windsor Ridge
Sewer Area 18, #7

Paragon Development Company - $23,395.62
16-inch water main
Perry Creek Road
Water Area 16, #6

Recommendation: Approval is recommended and authority for the Mayor's signature is requested. Consent Agenda approval: Congleton/Babb - 7 ayes.

***CIVIC CENTER - RENT-FREE USE - INFORMATION RECEIVED

Approval has been granted for rent-free use of Meeting Room B in the Civic Center to administer the promotional examinations for the positions of Firefighter II on October 7, 1985, and the Captain positions on November 8, 1985. The information was received without comment.

***CONDEMNATION - GORMAN STREET EXTENSION - RESOLUTION ADOPTED

Efforts have been unsuccessful to; obtain needed right-of-way, therefore, we are recommending that a resolution of condemnation be authorized:

Name: Capital Associates

Site Locations: Southwest corner of Hillsborough Street and Elizabeth - formerly Crazy Zack's

Project Name: Gorman Street Extension

Recommendation: That a resolution of condemnation be authorized as outlined. Consent Agenda approval: Congleton/Babb - 7 ayes. Resolution 964. See Page _____.

***CAMPBELL LODGE RENOVATIONS - CHANGE ORDER #GC-1 - SCOTIA CONSTRUCTION, INC. - APPROVED - FUNDS APPROPRIATED

Change Order #GC-1 - Scotia Construction Inc. is an increase of $4,835 and it is needed because of the deterioration of the existing plaster walls. It was felt by the architect that sheetrock should be installed on the walls and ceilings of the entire kitchen and the ladies room to avoid continuous patching of plaster walls. The Agenda outlined the code account that should be amended.

Recommendation: Approval of Change Order #GC-1 and the related transfer. Consent Agenda approval: Congleton/Babb - 7 ayes. See Ordinance 650 TF 7.

***LAKE JOHNSON POOL - CHANGE ORDER #G-2 SECURITY BUILDING COMPANY - APPROVED - FUNDS APPROPRIATED

Change Order #G-2- Security Building - Lake Johnson Pool is an increase of $345. It is needed to expedite the removal of the filter material in the filter pit when backwash is needed. The Agenda outlined a transfer in the amount of $345 that is needed that if the change order is approved.

Recommendation: That Change Order #G-2- Security Building Company and the related transfer be approved. Consent Agenda approval: Congleton /Babb - 7 ayes. See Ordinance 650 TF 7.

***LONGVIEW GARDENS POOL - CHANGE ORDER #G-1 AND G-2 AND #P-2 - APPROVED

The Agenda presented Change Order #G-2 relating to Security Building Company and Longview Garden Pools. This change order is an increase at $345 and relates to the removal of the filter material in the filter pit. Change Order #G-1 is an addition of (4 days) extension of contract due to rain and no budget accounts are needed. Change Order #P-2- Triangle Mechanical is an increase of $334 and relates to improving the maintenance and operation of the filtration system. It was explained that Change Order #G-1 has been administratively approved by the Manager. The Agenda outlined the transfers related to Change Orders #G-2 and #P-2.

Recommendation: Administration recommends approval of the two change orders and upholding the Managers action on Change Order #G-1 as well as the related transfers. Consent Agenda approval: Congleton/Babb - 7 ayes. See Ordinance 650 TF 7.

***APOLLO HEIGHTS COMMUNITY CENTER - CHANGE ORDER #G-1 - BUILDTEC, INC - MANAGERS ACTIONS UPHELD

The Agenda indicated the City Manager has administratively approved Change Order #G-1 - Buildtec Inc. which relates to extending the contract completion date by 7 days. No funds are involved.

Recommendation: Concurrence with the Manager's action is recommended. Consent Agenda approval: Congleton/Babb - 7 ayes.

***LAKE JOHNSON POOL - CHANGE ORDER #G-1 - SECURITY BUILDERS - MANAGERS ACTIONS UPHELD

The Agenda indicated the City Manager has administratively approved Change Order #G-1 - Security Builders Company relating to Lake Johnson Pool. This adds 4 days extension to the contract due to rain. No funds are involved.

Recommendation: Concurrence with the Managers action is recommended. Consent Agenda approval: Congleton/Babb - 7 ayes.

***TRANSFERS - ADMINSTRATIVE - MANAGERS ACTIONS UPHELD

Council Members received in their Agenda packet a list of administrative transfers that have been approved by the City Manager according to Council procedure. The transfers are as follows:

FROM	TO	AMOUNT
43-2-3010-0100	43-2-3010-0103	$603.17
43-2-3080-0100		962.72
	43-2-3100-0100	45.64
	43-2-3100-0101	917.08
18-2-1000-0001	18-2-0520-0270	750.00
01-2-4020-0260	01-2-4020-0725	7.26
18-2-1000-0001	18-2-0510-0258	950.00
19-2-8010-0534	19-2-8010-0260	950.00
38-2-3040-0100	38-2-3040-0107	169.00
38-2-3040-0100	38-2-3040-0107	40.00
34-2-3930-0101	34-2-3930-0103	950.00
01-2-1170-0260	01-2-1170-0701	20.30
02-2-2030-0700	02-2-2030-0260	203.00
38-2-2030-0103	38-2-2030-0105	334.00
06-2-7090-0263	06-2-7090-0265	900.00
06-2-7090-0263	06-2-7090-0225	900.00
01-2-5060-0231	01-2-5060-0282	250.00
18-2-0400-0235	18-2-0400-0298	900.00
01-2-6000-0740	01-2-6000-0260	450.00

Recommendation: Concurrence with the Managers actions on the administrative transfers is recommended. Consent Agenda approval: Congleton/Babb - 7 ayes.

***TRANSFERS - WITHIN VARIOUS ACCOUNTS ORDINANCE ADOPTED

The Agenda presented recommended transfers in the departments of Community Development, Finance, Engineering and Real Estate. The Agenda outlined the code accounts involved and the reasons for the transfers.

Recommendation: Approval of the transfers as outlined. Consent Agenda approval: Congleton/Babb - 7 ayes. Ordinance 650 TF 7.

ORDINANCE NO. (1985) 650 TF 7

AN ORDINANCE TO AMEND THE 1985-1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE	ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From	01-2-1040-0001	Contingency	$ 3,000.00
To	01-2-1030-0211	Adv. & Court Cost	3,000.00

Purpose: To cover possible expenses in the Billboard case.

From	01-2-1040-0001	Contingency	$ 11,400.00
To	01-2-1020-0100	Salaries	9,600.00
To	01-2-1020-0701	Office Equipment	1,800.00

Purpose: To fund Sec. II position in Clerk's Office.

From	37-2-1000-0100	Council Reserve	$ 2,818.08
To	38-2-2030-0109	Longview Pool Gas Serv.	2,818.08

Purpose: To provide natural gas service to the Longview Pool building.

From	01-2-1040-0001	Contingency	$ 10,000.00
To	39-2-2010-0102	Exchange Plaza A/E	10,000.00

Purpose: Providing funds for architectural services.

From	01-2-1040-0001	Contingency	$ 1,000.00
To	39-2-2010-0104	Exchange Plaza Misc.	1,000.00

Purpose: Providing funds for misc. expenses.

From	34-2-3827-0100	Fire Station #18	$ 19,900.00
To	34-2-3827-0102	Fire Station #18 'B'	14,900.00
To	34-2-3827-0104	Misc. 'D'	5,000.00

Purpose: To provide funds for Architectural Services for design and construction of Fire Station #18.

From	37-2-1126-0000	Renov. Lodges C/D	$ 4,835.00
To	37-2-1126-0101	Campbell Lodge Renov.	4,835.00

Purpose: Change Order - Campbell Lodge Renovations - Scotia Const. Co., GC-1.

From	37-2-1000-0100	Council Reserve	$ 345.00
To	38-2-2030-0201	Lake Johnson Pool	345.00

Purpose: Lake Johnson Pool Change Order - Security Building Co., - G -2.

From	37-2-1000-0100	Council Reserve	$ 345.00
To	38-2-2030-0101	Longview Pool Gen.	345.00

Purpose: Longview Pool - Change Order - Security Building Co. - G-2.

From	43-2-2080-0100	Contingency	$ 2,500.00
To	43-2-2100-0103	Housing Task Force	2,500.00

Purpose: To cover expenses which will be incurred for Housing Task Force.

From	43-2-2140-0100	Public Fac. Imp.	$ 63,312.50
To	43-2-2140-0200	Sidewalk Imp. - S. Park	63,312.50

Purpose: To provide funds to encumber contract for South Park Sidewalk improvements by J. C. Edwards Cont. & Engr. Co.

From	34-2-3930-0100	City Market	$ 10,000.00
To	34-2-3930-0103	City Market-C	$ 10,000.00

Purpose: To provide funds for estimated legal fees associated with Old City Market Acquisition.

From	43-2-3420-0100	Loan Supp.	$ 51,113.97
From	43-2-3420-0101	Consult	1,099.41
From	43-2-3420-0103	Office Supplies	486.51
From	43-2-3420-0105	Travel	760.00
From	43-2-3420-0108	Dues/Subs.	213.35
From	43-2-3420-0109	Printing	30.51
To	43-2-3420-0001	Loans & Guarantees	33,266.19
To	43-2-3420-0102	Mgmt. Services	18,599.92
To	43-2-3420-0104	Audit Fees	399.75
To	43-2-3420-0106	Postage/Tel	837.89
To	43-2-3420-0107	Legal	600.00

Purpose: To set up CEDCO 85-86 Fiscal Administrative budget.

From	06-2-7100-0002	Contingency	$ 7,000.00
To	01-2-3030-0103	Salary/Temporary	7,000.00

Purpose: To supplement Salary/Temporary account.

From	35-2-1000-0100	Reserve for Council Proj.	$ 35,000.00
To	35-2-1000-0200	Bond Sale Expenses	35,000.00

Purpose: To provide sufficient funds to pay bond sale expenses.

From	01-2-1040-0001	Contingency	$ 2,100.00
To	01-2-3020-0231	Travel	2,100.00

Purpose: For travel expenses required to set up ICL cash register system.

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 32-2-3011-0104	Atl. Ave. Misc.	$ 1,100.00
To 35-2-4000-0103	ROW Wake Forest Rd.	1,100.00

Purpose: Providing funding to complete r.o.w. purchasing on Wake Forest Road widening project.

From 01-2-1040-0001	Contingency	$ 2,000.00
To 01-2-1160-0265	Appraisal	2,000.00

Purpose: Spring Forest Road Fire Station site appraisal service.

From 32-2-1000-0100	Council Reserve	$ 38,800.00
To 32-2-5065-0102	Duraleigh Rd. Relocation	38,800.00

Purpose: Engineering Services of Ezra Meir & Associates (Relocation of Duraleigh Road).

From 80-2-1000-0000		$ 20,000.00
To 80-2-1000-0104		20,000.00

Purpose: City participation with State'in safety project on SR 2711 adjacent to Lake Benson per municipal agreement.

Adopted: 10/15/85

***PUBLIC UTILITY PROJECTS 1985-21, 22, 23, AND 24 - RESOLUTION OF INTENT ADOPTED

The following recommended public utility projects were presented:

a. P.U. 1985-21 - Installation of approximately 1,824 feet of 8-inch sewer main beginning at the existing manhole just east of Winthrop continuing eastward within an easement just beyond Carlton Drive. The estimated cost is $60,812 and the assessment would be on a per lot basis.

b. P.U. 1985-22 - Installation of approximately 1,550 feet of 8-inch sewer main beginning at the intersection of Ponderosa and Leesville Roads continuing westward in the right-of-way of Leesville Road to Winthrop Drive at an estimated cost of $49,130. Assessment on a per lot basis.

c. P.U. 1985-23 - Installation of approximately 1,330 feet of 8-inch sewer main beginning at the existing manholes at Winthrop Drive continuing south and eastward within an easement to Carlton Drive and in Sleep Hollow Drive. The estimated cost is $38,250. The assessment would be on a per lot basis.

d. P.U. 1985-24 - Installation of approximately 4,500 feet of 16-inch water main beginning at the intersection of U.S. 70 at Airport Road continuing northwestward to Mount Herman Road and south in the right-of-way of Mount Herman Road. This project is outside the City limits and the estimated cost is $180,000. The assessment would be on a front footage basis.

Recommendation: It is recommended that the City Council adopt a resolution of intent and set a public hearing date of November 19, 1985. Consent Agenda approval: Congleton/Babb - 7 ayes. Resolution 965 and 974.

RESOLUTION NO. (1985) - 965

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct sewer mains located and described as follows:

a. P.U. 1985-21 - Installation of 1,824 feet ± of 8-inch sewer main beginning at an existing manhole just east of Winthrop continuing eastward within an easement to just beyond Carlton Drive.

b. P.U. 1985-22 - Installation of 1,550 feet ± of 8-inch sanitary sewer main beginning at the intersection of Ponderosa and Leesville Road continuing westward in right-of-way of Leesville Road to Winthrop Drive.

c. P.U. 1985-23 - Installation of 1,330 feet ± of 8-inch sanitary sewer main beginning at existing manholes in Winthrop Drive continuing south 340 feet and eastward within an easement to Carlton Drive and also 300 feet ± in Sleepy Hollow Drive.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to

and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Per lot basis.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 19 day of November 1985, at 1:00 p.m., in the Council Chamber, Room 201, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: 10/15/85

RESOLUTION NO. (1985) - 974

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE WATER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the water system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct water mains located and described as follows:

(a) P.U. 1985-24 - Installation of 4,500 feet ± of 16-inch water main beginning at the intersection of US 70 and Airport Road continuing Northwestward to Mount Herman Road, also continuing south in the right-of-way of Mount Herman Road (outside City Limits).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. Assessments will be made according to the following method: Front footage of property abutting the extension upon annexation of the property.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 19 day of November 1985, at 1:00 p.m., in the Council Chamber, Room 201, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: 10/15/85

***TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda presented recommended changes in the traffic code relating to loading zone removal on Boylan Avenue, no parking on the 2600 block of Bedford Avenue and the 1600 block of Tower Street, one-hour parking in the 900 block of West Morgan Street and the school zones relaning to Oberlin Road.

Recommendation: Administration recommends approval of the changes as outlined on the Agenda. Consent Agenda approval: Congleton/Babb - 7 ayes. Ordinance 651.

ORDINANCE NO. (1985) 651

AN ORDINANCE TO AMEND THE CITY COUNCIL OF THE CITY OF RALEIGH:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 5B1 entitled "SCHOOL ZONE" be amended by deleting the following:

Oberlin Road from Smallwood Drive to Wade Avenue
Oberlin Road from Hillsborough to Smallwood Drive

Section 2. That Traffic Schedule No. 13 entitled "NO PARKING" be amended by adding the following:

Bedford Avenue, both sides, between Latta Street and Phelps Avenue, 9:00 a.m. to 5:00 p.m., Monday through Friday
Tower Street, both sides, between Everett and Bedford Avenues, 9:00 a.m. to 5:00 p.m., Monday through Friday

Section 3. That Traffic Schedule No. 15C entitled "ONE HOUR PARKING" be amended by adding the following:

Morgan Street, west side, beginning at a point 78 feet north of Tryon Street, northward 36 feet

Section 4. That Traffic Schedule No. 17 entitled "LOADING ZONE" be amended by deleting the following:

Boylan Avenue, east side, beginning at a point 34 feet north of Anwood Place 30 feet

Section 5. That all laws and clauses of laws in conflict herewith and hereby repealed to the extent of such conflict.

Section 6. That this ordinance shall become effective October 22, 1985.

Adopted: 10/15/85

Effective: 10/22/85

END OF THE CONSENT AGENDA

***RALEIGH ECONOMIC DEVELOPMENT ROUND TABLE - BY LAWS - REFERRED TO THE LAW AND FINANCE COMMITTEE

Included in the Agenda packet was a copy of the by-laws for the Round Table which is appointed by the Council. It would be appropriate for the Council to concur with these rules of operations.

Recommendation: That the Council recognize and concur with the by-laws of the Economic Round Table.

Mayor Upchurch indicated he pulled this from the Consent Agenda pointing out he has no problems with the by-laws except he feels we should look at them very carefully. He indicated there is always questions asked relating to cultural activities as to when things are reviewed, by which advisory board, when they should be referred, etc. He asked that the Law and Finance Committee look at the by-laws as it is relating to that aspect. Without objection the item was referred to Law and Finance Committee.

***LONGVIEW POOL SITE - GAS SERVICE - CONTRACT AUTHORIZED CONDITIONALLY

There is a need to extend a natural gas service to the Longview pool site for hot water for the showers. Because of the distance to the existing line, the City will need to pay for 360 linear feet of extension. This will cost $2,818.08.

Recommendation: That the Council approve a service agreement with Public Service Company to extend 360 feet of gas service line for $2,818.08 and approve the transfer that was outlined on the Agenda.

Ms. Block indicated recently we approved the use of bottle gas at Athens Drive Pool because it was cheaper and questioned why we are not going to bottle gas at this location. Mr. Benton indicated he believed the item involved at Athens related to the distance the line had to be carried. He stated he didn't think it was a rate question but the length of the public gas line to serve. Ms. Block indicated she thought that might be the case but just wanted to make sure; therefore, she would move approval of the Manager's recommendation subject to the Manager checking to make sure that this is cheaper than going to propane route. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted. See Ordinance 650 TF 7.

***ZONING HEARINGS - NOVEMBER - APPROVED - FIELD TRIPS SCHEDULED FOR MONDAY NOVEMBER 18

It was pointed out 20 applications had been received for the November Rezoning Hearings.

Recommendation: That Zoning Hearings be held on November 19 and 21, 1985 and that the Council zoning tour be set for Wednesday, November 13, at 8:00 a.m.

Mr. Walters indicated he pulled this from the Consent Agenda pointing out we have had some problems with the Wednesday zoning tours and he felt we should go back to the Monday zoning tour. After brief discussion, Mr. Walters moved that the zoning hearings be scheduled for November 19 and 21 and the zoning tour be Monday, November 18, at 8:00 a.m. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SPECIAL ITEMS

***GTE SPRINT TELECOMMUNICATIONS TOWER - HEARING CONTINUED UNTIL NOVEMBER 19, 1985

Mr. Keller indicated the Law and Finance Committee recommends that the hearing on the special use permit requested by GTE be continued until the November 19, 1985, Council Meeting so that the Law and Finance Committee may receive further input concerning alternate possibilities. Mr. Keller stated this is to give GTE Sprint an opportunity to study an alternative to the tower. Without objection the hearing was continued until November 19, 1985.

***REZONING Z-116-85 - FALLS OF NEUSE ROAD - TO BE PLACED ON NOVEMBER 5 AGENDA

This was a request for approval to rezone approximately 2.8 acres from Residential-4 to Office and Institution-III. CR-5811 from the Planning Commission recommended that Z-116-85 be approved as requested. During the October 1 Council Meeting, at the request of Councilor Congleton, it was agreed to hold this and place it on this Agenda and, at the same time, ask the Planning Commission to bring forward Rezoning Z-115-85 so that the two could be considered at the same time.

Mr. Congleton indicated the petitioner could not be here today and Rezoning Applications Z-115-85 is still in the Planning Commission. He stated that he would like to hold the item until the next meeting pointing out it could be placed on the Agenda or put in the Committee to be reported out at the next meeting. After brief discussion, by general consensus, it was agreed that Rezoning Z-116-85 would be placed on the November 5, 1985 Agenda as a special item.

***TC-2-85 - GRADING PERMITS - TO BE PLACED ON NOVEMBER 5, 1985 AGENDA

During the report and recommendation of the Public Works Committee at the Council Meeting on October 1, the Public Works Committee recommended approval of TC-2-85 as advertised. At the request of Councillor Congleton, this item was held, and it was directed that it be placed on this Agenda for consideration and, in the meantime, Council Members received additional information on this item. Included in the Agenda packet was a copy of TC-2-85 as advertised.

Mayor Upchurch indicated a lot of discussion has taken place on this item and it has been suggested that it be held until the November 5, 1985 Council Meeting and placed on that Agenda as a special item. Without objection this was agreed to.

***REZONING Z-126-85 - SOUTH SAUNDERS STREET - APPROVED ON SECOND AND FINAL READING

Council Members received in their Agenda packet a copy of Ordinance No. 644 ZC 171 which was adopted by the City Council in their meeting held on October 1. This ordinance received five votes; therefore, it would be appropriate to consider adoption of the ordinance on the second reading. Mayor Upchurch indicated the vote would be to consider approving Ordinance 644 ZC 171 on the second reading and that was put to a vote which resulted in all members voting in the affirmative except Mr. Keller and Ms. Block who voted in the negative. The Mayor ruled the motion adopted and the Ordinance approved.

***REHABILITATION WORK - 112 EAST LENOIR STREET - REFERRED TO LAW AND FINANCE COMMITTEE

During the October 1, 1985 Council Meeting, Attorney Kevin Byrd, representing Irene T. Lane and Addie G. Stroud, was at the meeting to explain dissatisfaction with rehabilitation work which was done by the Community Development Department and ARC Construction Company. The action of Council was to accept Attorney Byrd's report and refer it to Administration for investigation and to place the item on the October 15 Agenda for an update.

City Manager Benton indicated that this item is subject to an investigation of a claim. He indicated the property owner has filed a claim with the City's insurance carrier and the insurance carrier has not provided a report as yet. He indicated the Council may wish to refer this to a Committee pointing out it will be three weeks before the Council meets again. Mr. Walters indicated he felt that it would be good to refer it to a Committee pointing out he had gone out to this location and maybe members of a Committee would like to go out and look at the work being done. Mr. Walters moved that the matter be referred to the Law and Finance Committee. His motion was seconded by Ms. Cates and was put to vote which passed unanimously. The Mayor ruled the motion adopted.

REQUESTS AND PETITIONS OF CITIZENS

***CAPITAL AREA TRANSIT - CLAIM REFERRED TO CITY COACH LINES

Attorney Kevin Byrd, 1101 Hillsborough Street, Apartment D-4 was at the meeting indicating on July 18, 1985, his client Darryl E. Johnson, was involved in a accident involving a CAT Bus. He stated the driver of the CAT Bus was Julias Collins. He explained his client was driving east on Tarboro Road and the bus was in the right turn lane and needed to make a right turn onto Hargett Street. He stated the bus veered out to make the turn and in doing so did not look behind him and his client, in trying to avoid the bus, hit another car. He indicated it is his opinion that the driver of the bus was negligent and his client should be compensated. He stated the damage to his client's car was $1,663. He explained the CAT driver was cited with an unsafe movement and his client has tried to settle this peacefully but the insurance company has refused to honor their claim.

City Manager Benton indicated the City has a contract for the management and operation of the bus system, pointing out the bus employees are not City employees. He indicated in this case the bus operator was cited for a violation but the case has not been resolved. He explained the bus did not strike the individual's car. He indicated it would be his suggestion to refer this back to City Coach for them to review with Attorney Bryd and get the case settled. Mr. Walters moved that the Manager's recommendation be upheld. His motion was seconded by Ms. Cates. Brief discussion took place with Attorney Byrd indicating he had not been able to get the adjusters to return his calls. City Manager Benton indicated we could ask the City Coach to contact Mr. Byrd with their findings. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***ENCROACHMENT - 1540 CASHWELL - REFERRED TO LAW AND FINANCE COMMITTEE

Ray Goodmon had requested permission to discuss an encroachment agreement to allow the house at 1540 Cashwell Avenue to remain in the right-of-way. The house encroaches less than 3-inches into the City's right-of-way. City Attorney McCormick indicated he had discussed this with Mr. Goodman and there are some 50 year old documents concerning this case and he would suggest that the matter be referred to Law and Finance Committee for investigation. Without objection the item was so referred.

***STREET CLOSING - WILMINGTON AND BLOUNT STREET - NOVEMBER 3, 1985 - APPROVED

Charles W. Ward, representing the First Baptist Church, had requested the City to close traffic on Morgan Street between Wilmington and Blount on Sunday, November 3, 1985 between 1:00 - 2:30 p.m. to allow the church to lay the cornerstone at the new education building. Reverend Ward was not at the meeting. City Manager Benton indicated Administration has no problem with this as long as the sponsors of the event provide the barricades necessary to physically close the street. Mr. Walters moved that the request be approved as submitted. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***ZONING - REQUIREMENTS RELATING TO COSMETOLOGISTS IN O&I ZONING - REFERRED TO THE LAW AND FINANCE COMMITTEE

Helen Winslow Pollard was at the meeting and explained problems she has encountered in finding a new location for her cosmetology business. She explained problems and cost involved in utilizing space in strip shopping centers. She stated she sees office building after office building empty and has searched and found a location that has ample parking, etc. for her needs. She indicated that she had talked with the Manager of the office building and they have agreed to a lease and then she found that she could not break in an O&I Zoning Classification if she had over two chairs. She indicated she was at the meeting questioning if it would be possible to have an amendment or variance to this requirement under certain circumstances. She indicated it there were a situation where everyone felt that it would be advantageous, ample parking exists, etc. that there should be some latitude to allow a cosmetologists to operate in an O&I zoning with more than two chairs. She indicated she understands the need for control and regulation but feels that it would be good to have some type of variance. Jordan Allen indicated the building in question is at 3948 Browning Place. He explained the size of the building, parking available, etc. He explained that on a typical day they have 18 to 25 vacant parking spaces.

Ms. Block explained the discussions on this item in Public Works Committee pointing out the Board of Adjustment had received so many requests that a clarification was sought. She read the ordinance relating to this. She indicated if the cosmetology business is serving more than O&I complex then it should be in a shopping center zoning. Mr. Benton indicated this type of facility is allowed in an O&I Zoning as a accessory use, but they are limited to two chairs. Mr. Walters indicated when this was discussed in Public Works Committee he took issue to it pointing out it looks like we are encouraging businesses in neighborhoods rather than office and institutions and he feels that this type of business would be more appropriate in the office and institution zoning. It was pointed out by Ms. Pollard that the cost is becoming so prohibited that people are having these shops in their homes as limited home businesses. Ms. Babb questioned the requirements for doctors, dentist and other service facilities as it relates to office and institution zonings. City Attorney McCormick indicated doctors and dentists are considered professional uses. Ms. Babb indicated in her opinion this rings of something that isn't quite right pointing out

some professions are allowed in office and institutions zoning and others are not. Ms. Block explained the whole City Council looked at this and approved the text change in July of this year. She indicated cosmotologist are services just like dry cleaners, etc. She indicated when these type services are located in office and institution zoning it should be just for the clients of that building or complex. She indicated some complaints have come in from people who thought they were locating in an office and institution setting and were interrupted by people coming in for these type services. Ms. Babb indicated that she understood that but she wanted to think about this some more. She indicated the elite distinction bothered her somewhat and she would move that this request be referred to Law and Finance Committee. Her motion was seconded by Mr. Walters. Ms. Cates indicated this item was discussed very thoroughly by the Board of Adjustment and the Public Works Committee. Ms. Babb indicated she understood the differences and understood what had gone on but she would like to re-think whether cosmetology is a profession or a commercial use. She explained doctors and lawyers draw from a larger area than just that building complex and in her opinion may be we need to look at the assumptions on which the Public Works Committee recommendation was safe. The possibility of a variance was discussed with Mr. Walters pointing out the Council action in July eliminated the Board of Adjustments right to vary this requirement. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***SUBDIVISION S-121-85 - FRAZIER SUBDIVISION - REQUEST FOR PARTIAL PAYMENT - REFERRED TO ADMINISTRATION

John Frazier was at the meeting pointing out he has spent about six months, a lot of money and a number of surveys in trying to subdivide some property known as Subdivision S-121-85. He indicated there had been many references made to him as the developer and he is being treated as the developer but he is not a developer. He only wants to divide some land. He indicated he had been told before he can register this subdivision and he has to produce $3,500 or get a bond but this has become a problem for him. He again stated he is not a developer pointing out developers have access to lines of credit. He stated what he would like is some way to make a partial payment which would allow him to record his map and sell the lot in question. City Manager Benton explained the Public Works Committee recommendation which stipulates in the approval of this subdivision that he would pay his share of the cost of improving Cooke Street prior to construction of the street. Ms. Block pointed out that the Public Works Committee was looking at three or four similar type requests at the same time. She stated the Public Works Committee tried very hard to be consistent in how these items were handled and Mr. Frazier was given the something of an advantage as the City is going to public hearing to consider paving Cooke Street and he will get assessed only for a 21 foot street. She indicated as she understands it Mr. Frazier cannot raise the money for a bond and does not have a lien on the lot. City Attorney McCormick indicated he does not have a lot as it does not exist until the subdivision is recorded. Ms. Babb indicated may be we should look at what stands we are going to take when we are dealing with an individual rather than a developer. City Manager Benton explained the situation pointing out the Council may wish to consider requiring the money at a different time in the development process or the Council may want to stay with what has been approved or the Council could allow the securities to be posted after recording but before permits are issued, that way the developer could subdivide, sell the lots, etc. The City's obligation and exposure was discussed after which Ms. Babb moved that this item be referred to Administration and ask the City Manager and the City Attorney to work with the people involved to try to get this problem resolved so that Mr. Frazier could record his map. Her motion was seconded by Mr. Walters. The ability to allow Mr. Frazier to pay the money at a different time in the development process was discussed after which the motion as stated was put to a vote and resulted in all members voting in the affirmative except Mr. Walters who voted in the negative. The Mayor ruled the motion adopted. Ms. Babb indicated she would hope that the Manager and the Attorney would work with Mr. Frazier in a farily tight time frame to get this situation resolved.

***NORTH CAROLINAS AGAINST APARTHEID - WITHDRAWN

Representatives of the North Carolinas against Apartheid had requested permission to make a presentation. The City Clerk indicated her office had received a call asking that this item be withdrawn from the Agenda.

***UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

None.

MATTERS SCHEDULED FOR PUBLIC HEARING

***SIDEWALK IMPROVEMENTS - GLASCOCK STREET - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the installation of sidewalks on Glascock Street, south side, from the existing sidewalks east of Norris Street, east to Brookside Drive. Chief Engineer Thomas explained the proposal. The Mayor opened the hearing no one asked to be heard thus the hearing was closed. Mr. Walters moved adoption of a resolution directing the installation of the sidewalks as advertised. His motion was seconded by Mr. Cates and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. Resolution 966.

RESOLUTION NO. 1985 - 966

A RESOLUTION DIRECTING THAT SIDEWALK IMPROVEMENTS BE MADE AND THE COST THEREOF ASSESSED

WHEREAS, by virtue of Section 6.44 of the Raleigh City Charter and Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the costs thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property assessable therefor pursuant to Section 6.44 of the Raleigh City Charter and Article 10 of Chapter 160A of the General Statutes of North Carolina:

Installation of sidewalks on Glascock Street, south side, from existing sidewalk east of Norris Street, east to Brookside Drive.

Section 2. That the improvements shall be of concrete and shall be made in conformity with rules, regulations and specifications of the City of Raleigh.

Section 3. When a sidewalk is constructed or extended on only one side of the street, the entire cost thereof shall be assessed against the property abutting on both sides of the street, unless there already exists a sidewalk, on the other side of the street, the total cost of which was assessed against the abutting property. But when a sidewalk is repaired or reconstructed, the entire cost thereof shall be assessed against the property abutting the improvement.

Section 4. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Adopted: 10/15/85

***NCNB COMMUNITY DEVELOPMENT CORPORATION - SPECIAL USE PERMIT EAST DAVIE STREET - HEARING - PERMIT AUTHORIZED

This was a hearing to consider an application made by NCNB Community Development Corporation for a special use permit to construct 50 residential condominiums units on East Davie Street, south side, between South Blount Street and South Person Street.

Planner Director Chapman indicated an application has been submitted for a high-density residential project according to Section 10-2072(a) of the City Code, which allows Council to grant a special use permit, folowing an evidentiary hearing, for residential projects exceeding the density generally permitted by an underlying zoning district within downtown's special high-density residential area. The application ahs been submitted by NCNB Community Development Corporation for its Phase I Downtown East site along the south side of the 200 block of East Davie Street.

Staff recommends approval of the special use permit based on the following findings consistent with the Code's development requirements:

a) Residential density of the project is 33 units per acre. Maximum Code allowance is 160 units per acre.

b) Site plans shows over 30 percent of the site as landscaped open space or approximately 440 square feet of open space per unit. Minimum Code standard requires the greater of 20 percent of the site or 150 square feet per unit be developed as open space.

c) The site plan provides a minimum of one off-street parking space per unit.

d) The site plan promotes downtown revitalization by providing innercity residential opportunities.

e) The site plan proivdes adequate light and air to the development and surrounding properties; protects residents of the development and surrounding properties from adverse affects; provides for safe traffic and pedestrian movement; and indicates architectural features which are congruous with surrounding properties.

f) Conditional upon approval of requested group housing variances, the site plan meets all apaplicable Code requirements.

g) The site plan meets development criteria for the Downtown East/East Side Redevelopment Plan's "Residential and Supportive Services" land use district.

Mayor Upchurch opened the hearing and no one asked to be heard thus the hearing was closed. Mr. Congleton moved approval of the special use permit as explained. His motion was seconded by Ms. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***UNSAFE BUILDING - 508-510 GLENWOOD AVENUE (REAR BUILDING) - HEARING - ORDINANCE ADOPTED

This is a hearing to consider adoption of an Ordinance that declares a building at 508-510 Glenwood Avenue (rear building) unsafe and directs that it be demolished. The property belongs to the Wilson Broadus Corporation. The Mayor opened the hearing.

Bob Carter, Director of Administration for Aeroglide Corporation, explained their efforts to sell the building pointing out part of the building is usable for other purposes. He explained they were hoping to delay action until they can sell the building to give them an opportunity to sell the property as it is or to allow the new purchaser to renovate the building. He stated they have tried to monitor the situation and will continue to do so and based on that premise they are asking that the Council extend the deadline to give them further flexibility in selling the property.

Chief Inspector Owens indicated this issue began in March of 1983 and at that particular time the tenant was Marsh Cabinet Company. He indicated the roof of the structure is in poor condition and could not carry the load of heavy snow or ice. He indicated they moved out of the rear warehouse over two years ago and it was fully understood that they would demolish the building or close it up. He indicated that closing the building is difficult and presented photographs showing the condition of the building. He stated that they are not concerned about the front part of the building but they must keep the rear part closed to prohibit its use by the vagrants and others. Mr. Carter indicated that the front part of the building does have value. No one else asked to be heard and the Mayor closed the hearing. Ms. Block indicated that this building is near the downtown area in which the Council is trying desperately to revitalize and she sees no way to close this building and because of its deteriorated condition she would move that it be scheduled for demolition. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted. Ordinance 648.

ORDINANCE NO. 1985 - 648

AN ORDINANCE FINDING THAT THE BUILDING ON PROPERTY AT 508-510 GLENWOOD AVENUE (REAR BUILDING) IN THE CITY OF RALEIGH IS UNSAFE AND DIRECTING THAT IT BE DEMOLISHED

WHEREAS, the City Council of the City of Raleigh finds that the building on property described herein is unsafe under the provisions of Part 10, Chapter 6, Article D of the Code of the City of Raleigh, North Carolina and entitled "Unsafe Buildings," that all of the provisions of said article have been complied with as a condition of the adoption of this ordinance, and

WHEREAS, the Building on said premises should be demolished as directed by the Director of Inspections or his designee for the reason that the same is an unsafe building as described in Part 10, Chapter 6, Article D of the Code of the City of Raleigh.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Department of Inspections of the City of Raleigh be and is hereby authorized and directed to demolish the building in the City of Raleigh at the following location:

PROPERTY OWNER	LOCATION
Wilson Broadus Corp.	508-510 Glenwood Avenue Rear Building

Section 2. That the cost of demolition of the building shall become a lien upon the land upon which the building was located as provided in Part 12, Chapter 6 of the Code of the City of Raleigh, North Carolina.

Section 3. That this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. That this ordinance shall become effective October 15, 1985.

SPECIAL ITEM

***CALIBRE COMPANY - SUMMIT OAKS SUBDIVISION - PROPERTY AND RIGHT-OF-WAY GIVEN TO THE CITY

Mayor Upchurch explained earlier in the day the Calibre Company, in connection with Summit Oaks Development, made a presentation to the City. City Manager Benton explained the procedure and code changes which allows cluster unit development, pointing out Summit Oaks is developed under the Cluster Unit Ordinance and earlier today they presented the City the deed to a 3.7 acre tract at Lynn Road and dedicated the right-of-way for Lynn Road. Ms. Cates indicated this is a critical piece of property for the City and with Ms. Block moving that the Council extend its gratitude to the Calibre Company for their cooperation in this dedication. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

***PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the Regular Consent Agenda. The following items were removed from the Consent Agenda: Keller - CR-5821 (S-176-85), CR-5822 (SC-47-85); Congleton - CR-5838 (PA-128-85); Walters - CR-5849 (S-178-85); Cates - CR-5823 (S-177-85); Block - CR-5837 (PA-122-85). Without objection, these items were removed from the Planning Commission Consent Agenda. Ms. Cates moved the Planning Commission's recommendation on the remaining items on the Consent Agenda be upheld. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

***SUBDIVISION S-184-85 (PA-127-85 AND GH-36-85) - TRINITY HILLS CONDOMINIUMS - APPROVED WITH CONDITIONS

This is a request for approval to construct 444 residential condominium units on thirty-one acres, zoned Office and Institution-I, connecting to City utilities (Lot 7 of S-177-85).

The property is located off Trinity Road near the Nowell Road intersection, outside the City Limits.

CR-5824 from the Planning Commission recommended that this request be approved according to a map entitled, "Trinity Hills condominium," the property of Trinity Road Properties Associates, drawn by McNeely Associates, dated September 26, 1985, with the following conditions: (1) that a landscaping plan be approved by the Staff prior to the issuance of building permits; and, (2) that a staking plan be submitted in conjunction with approved plans for building permits. Consent Agenda approval: Cates/Walters - 7 ayes.

***PA-127-85 (GH-36-85) - TRINITY HILLS CONDOMINIUMS - APPROVED WITH CONDITIONS

This is a request for approval to construct 444 residential condominium units on thirty-one acres, zoned Office and Institution-I, connecting to City utilities (Lot 7 of S-177-85).

The property is located off Trinity Road near the Nowell Road intersection, outside the City Limits.

CR-5825 from the Planning Commission recommended that this request be approved according to a map entitled, "Trinity Hills Condominiums," the property of Trinity Road Properties Associates, drawn by McNeely Associates, dated September 26, 1985, with the following conditions: (1) that a staking plan be submitted in conjunction with plans for building permits; and (2) that a detailed landscaping plan be submitted and approved by Staff prior to the issuance of building permits. Consent Agenda approval: Cates/Walters - 7 ayes.

***S-179-85 (PA-130-85 and GH-40-85) - CAROLINA PINES CONDOMINIUMS - APPROVED

This is a request for approval to construct 120 residential condominium units on an 8.24 acre tract, zoned Office and Institution-I, connecting to City utilities.

The property is located on Carolina Pines Avenue near the intersection of Lake Wheeler Road, inside the City Limits.

CR-5826 from the Planning Commission recommended that this request be approved according to a map entitled, "Carolina Pines Condominiums," the property of the Rhein Company, drawn by Evans Engineering, Inc., dated September 30, 1985. Consent Agenda approval: Cates/Walters - 7 ayes.

***PA-130-85 (GH-40-85 and S-179-85) - CAROLINA PINES CONDOMINIUMS - APPROVED

This is a request for approval to construct 120 residential condominium units on an 8.24 acre tract, zoned Office and Institution-I, on City utilities.

The property is located on Carolina Pines Avenue near the intersection of Lake Wheeler Road, inside the City Limits.

CR-5827 from the Planning Commission recommended that this request be approved according to a map entitled, "Carolina Pines Condominiums," the property of the Rhein Company, drawn by Evans Engineering, Inc., dated September 30, 1985. Consent Agenda approval: Cates/Walters - 7 ayes.

***SUBDIVISION S-171-85 - TRAWICK DOWNS - APPROVED; RENAMING A PORTION OF PIEDMONT DRIVE - INITIATED

This is a request for approval to subdivide a 36.53 acre tract, zoned Residential-6, into 124 lots.

The property is located on the west side of Trawick Road, between Melrose Road and Skycrest Drive, outside the City Limits.

CR-5831 from the Planning Commission recommended that this request be approved according to a map entitled, "Trawick Downs, Preliminary Subdivision Plan," revised September 27, 1985, owned by Myrick Construction Company. It is further recommended that the Planning Commission request the City Council take the appropriate action required to rename the portion of Piedmont Drive (proposed) just west of Trawick from Allen Lane. Consent Agenda approval: Cates/Walters - 7 ayes.

***SUBDIVISION S-175-85 - HIGHWOODS SOUTH (REVISED) - APPROVED

This is a request for approval to revise a previously approved plan of subdivision for a 57.865 tract. Revised plan reflects deletion of a previously shown cul-de-sac and two lots, or a total of nine lots, zoned Industrial-I.

The property is located on the south side of the Beltline, between North Boulevard and Atlantic Avenue, inside the City Limits.

CR-5832 from the Planning Commission recommended that this request be approved according to a map entitled, "Highwoods South, Raleigh, North Carolina," revised September 27, 1985, and submitted by Hager, Smith and Huffman, PA, owned by Highwoods Properties, and that the greenway easement shown on the plan be accepted by the City. Consent Agenda approval: Cates/Walters - 7 ayes.

***SUBDIVISION S-180-85 - KENSINGTON PARK WEST CONDOMINIUMS - APPROVED; CITY TO ACCEPT GREENWAY EASEMENT

This is a request for approval to convert 369 apartment units on a 40.03 acre tract, zoned Residential-1, Residential-6, Residential-10, Residential-15, Residential-20 and Conservation/Buffer, to condominium units for sale. Approval also involves subdivision of the site into three tracts.

The property is located on the north side of Avert Ferry Road at the intersection with Gorman Street, inside the City Limits.

CR-5833 from the Planning Commission recommended that this request be approved according to a map entitled, "Condominium Conversion Map, Kensington Park West" (formerly Kings Row/Fairfax Village), dated September 3, 1985, submitted by Glenn D. Ward and Associates, owned by Quinter Financial Group, and that the City accept the greenway easement shown on the plans. Consent Agenda approval: Cates/Walters - 7 ayes.

***SUBDIVISION S-181-85 - POOLE ROAD CLUSTER UNIT DEVELOPMENT - APPROVED WITH CONDITIONS

This is a request for approval to subdivide, as a cluster unit development, fourteen acres, zoned Residential-6, into seventy-one lots.

The property is located on the south side of Poole Road at the intersection of Rawls Road, inside the City Limits.

CR-5834 from the Planning Commission recommended that this request be approved according to a map drawn by Paton Zucchino Associates, dated September 20, 1985, owned by Charles Hughes, with the condition that the legal documents for the nonprofit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of final plats. Consent Agenda approval: Cates/Walters - 7 ayes.

***SUBDIVISION S-182-85 OLLIE DUNN PROPERTY - APPROVED WITH CONDITIONS

This is a request for approval to subdivide a 4.25 acre parcel, zoned Residential-4, into two lots.

The property is located at the northeast corner of the intersection of Spring Forest Road and Fox Road (S.R. 2042), outside the City Limits.

CR-5835 from the Planning Commission recommended approval according to a map entitled, "Preliminary Subdivision of Tract Three" (BOM 1979, Page 158), the property of Ollie Dunn, drawn by Walter B. Bunn, RLS, dated August 5, 1985, with the following conditions: (1) that on-site waste disposal and water supply systems are approved by

Wake County prior to issuance of building permits; (2) that payment-in-lieu of required improvements to Jefferson Lane be approved by the City prior to recording final plats. Consent Agenda approval: Cates/Walters - 7 ayes.

***SUBDIVISION S-183-85 - TIS SUBDIVISION - APPROVED

This is a request for approval to subdivide a 2.34 acre parcel, zoned R-4, into 7 lots.

The property is located at the northeast corner of the intersection of Tryon Road and Fairway Drive, next to R.G.A., inside the City Limits.

CR-5836 from the Planning Commission recommended that this request be approved according to a map entitled, "TIS Subdivision Plan," the property of Triangle Investment Services, drawn by Shie-Shin Wu, P.E., revised September 18, 1985. Consent Agenda approval: Cates/Walters - 7 ayes.

***PA-129-85 - FAST FARE CONVENIENCE STORE - APPROVED; SITE PLAN TO BE CONSIDERED FURTHER BY PLANNING COMMISSION

This is a request for approval to construct a 3,003 square foot building on a 0.6 acre parcel, zoned Neighborhood Business. Existing building, canopies and gas pumps are to be removed.

This property is located at the southwest corner of the intersection of Western Boulevard and Buck Jones Road, inside the City Limits.

CR-5839 from the Planning Commission recommended that this request be referred to the Real Estate Committee in order to discuss acquisition of subject property as right-of-way for Western Boulevard Extension. This recommendation does not include approval of the site plan, as submitted, which is to be considered further by the Commission. The map is drawn by Quick Associates, dated September 20, 1985, owned by Fast Fare. Consent Agenda approval: Cates/Walter - 7 ayes.

***PA-131-85 - RALEIGH PLASTIC SURGERY CENTER - APPROVED

This is a request for approval to construct a 2,300 square foot addition to an existing 4,375 square foot office building on a 1.43 acre parcel, zoned Office and Institution-III.

The property is located at the southwest corner of the intersection of Old Wake Forest Road and Dresser Court, inside the City Limits.

CR-5840 from the Planning Commission recommended that this request be approved according to a map drawn by Envirotek, Inc., dated September 18, 1985, owned by Raleigh Plastic Surgery Center. Consent Agenda approval: Cates/Walters - 7 ayes.

***PA-135-85 - WEST CHASE I - APPROVED

This is a request for approval to construct a 101,149 square foot, five-story office building on 5.02 undeveloped acres, zoned Office and Institution-I.

The property is located on the south side of Wade Avenue and west of Blue Ridge Road, outside the City Limits.

CR-5843 from the Planning Commission recommended that this request be approved according to a map drawn by Jenkins Peer Architects, dated September 19, 1985, owned by West Chase One, Ltd. Consent Agenda approval: Cates/Walters - 7 ayes.

***SUBDIVISION S-173-85 (PA-123-85 AND GH-39-85) - CITY MARKET CONDOMINIUMS - APPROVED WITH CONDITION

This is a request for approval to construct fifty residential condominium units on a 1.55 acre tract, zoned Business, special high density residential area, on City utilities.

The property is located on East Davie Street, between South Person and South Blount Streets, inside the City Limits and the Downtown East Redevelopment Area.

CR-5845 from the Planning Commission recommended that this request be approved according to a map entitled, "City Market Condominiums," the property of NCNB Community Development Corporation, drawn by Priest, Craven and Associates, dated October 1, 1985, with the condition that a special use permit, pursuant to Section 10-2072, is granted by the City Council prior to the issuance of building permits. Consent Agenda approval: Cates/Walters - 7 ayes.

***PA-123-85 (GH-39-85 AND S-173-85) - CITY MARKET CONDOMINIUMS - APPROVED WITH CONDITION

This is a request for approval of fifty residential condominium units on a 1.55 acre tract, zoned Business, special high density residential area, on City utilities.

The property is located on East Davie Street, between South Person and South Blount Streets, inside the City Limits and the Downtown East Redevelopment Area.

CR-5846 from the Planning Commission recommended that this request be approved according to a map entitled, "City Market Condominiums," the property of NCNB Community Development Corporation, drawn by Priest, Craven and Associates, dated October 1, 1985, with the condition that a special use permit, pursuant to Section 10-2072, is granted by the City Council prior to the issuance of building permits. Consent Agenda approval: Cates/Walters - 7 ayes.

***SUBDIVISION S-174-85 - LAKEVIEW CLUSTER UNIT DEVELOPMENT - APPROVED CONDITIONS

This is a request for approval to subdivide, as a cluster unit development, a 24.8 acre tract, zoned Residential-6 (21.52 acres) and Conservation/Buffer (3.28 acres), into fifty-seven single-family lots and eighty-one townhouse units. A density transfer of 9.83 units will be carried from the Conservation/Buffer area to be used for this project.

The property is located at the southwest corner of the intersection of Avent Ferry Road and Lake Dam Road on the north shore of Lake Johnson, inside the City Limits.

CR-5847 from the Planning Commission recommended that this request be approved according to a map drawn by Chance/Cory Associates, dated September 20, 1985, owned by Dixie Development Company, with a variance to the collector street width on Lake Dam Road, and with the following conditions: (1) that the legal documents for the nonprofit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of the final plats; (2) that the approved site plan be recorded in the Wake County Registry of Deeds with the indication that the Conservation/Buffer District Density Allowance has been utilized for this project; and (3) that site plan (PA-124-85) be approved to allow the construction of a road in a Conservation/Buffer district. Consent Agenda approval: Cates/Walters - 7 ayes.

***PA-124-85 - LAKEVIEW CLUSTER UNIT DEVELOPMENT - APPROVED

This is a request for approval to construct a private drive in a Conservation/Buffer zoning district and to transfer density from 3.28 acres of Conservation/Buffer to allow a density increase of 9.83 units.

The property is located at the southwest corner of the intersection of Avent Ferry Road and Lake Dam Road on the north shore of Lake Johnson, inside the City Limits.

CR-5848 from the Planning Commission recommended approval according to a map drawn by Chance/Cory Associates, dated September 20, 1985, owned by Dixie Development Company. Consent Agenda approval: Cates/Walters - 7 ayes.

***DOWNTOWN EAST HOUSING REDEVELOPMENT PLAN - PHASE II APPROVED WITH PROVISIONS

Review and recommendation for the City Council of the proposed plan to acquire property, relocate occupants, sell property for residential development with certain restrictions on use and design, and construct certain improvements to improve the appearance of East Davie and South Person Streets.

This is an amendment to the Downtown East/East Side Redevelopment Plan located in the vicinity of East Davie Street, between the Fayetteville Street Mall and South Person Street.

CR-5850 from the Planning Commission recommended that the Phase II Downtown East Housing Redevelopment Plan be adopted with the addition of the provisions proposed by the East Side Neighborhood Task Force for th Downtown East Housing Program as incorporated into the redevelopment agreement between the City and NCNB Community Development Corporation. Specific reference should be made to the provisions for minority business participation in all aspects of the project and to the priority for replacement of affordable housing. Consent Agenda approval: Cates/Walters - 7 ayes.

END OF PLANNING COMMISSION CONSENT AGENDA

***SUBDIVISION S-176-85 WINSTON'S - APPROVED WITH CONDITIONS

This is a request for approval to subdivide Parcel 3 (1.24 acres) of Sutton Square Shopping Center into two tracts zoned Shopping Center.

The property is located on Falls of Neuse Road at Sutton Square Shopping Center, inside the City Limits.

CR-5821 from the Planning Commission recommended that this request be approved according to a map drawn by McNeely Associates, dated September 17, 1985, owned by Charles M. Winston, Jr., with the following conditions: (1) that the cross-access and parking agreements be reviewed and approved by the City Attorney's Office prior to the issuance of building permits; and, (2) that the site plans for the undeveloped parcel be submitted for approval by the City Council prior to issuance of building permits for that parcel.

Mr. Keller indicated withdrew this item from the Consent Agenda questioning if there could be signs on each of the out parcels. Planning Director Chapman explained this is located in Sutton Square Shopping Center and explained previous approvals,

pointing out the conditions in the site plan are voluntary. Mr. Keller moved the Planning Commissions recommendation be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously.

***SC-47-85 (S-176-85) - WINSTON'S - APPROVED

This is a request for approval to construct a 7,400 square foot restaurant on Parcel 3A of Sutton Square Shopping Center, zoned Shopping Center, on City utilities.

The property is located on Falls of Neuse Road at Sutton Square Shopping Center, inside the City Limits.

CR-5822 from the Planning Commission recommended that this request be approved according to a map drawn by McNeely Associates, dated September 17, 1985, owned by Charles M. Winston, Jr., with the condition that any ground sign on this lot be limited in height to three and one-half feet.

Mr. Keller indicated that he withdrew this item from the Consent Agenda indicating he had questions about the signs. Mr. Chapman explained the previous approvals pointing out the condition on the site plan is voluntary. Mr. Keller moved that the Planning Commission recommendation be upheld. His motion was seconded by Ms. Cates and was put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SUBDIVISION - S-177-85 - TRINITY HILLS - APPROVED WITH CONDITIONS

This is a request for approval to subdivide 71.472 acres into 7 lots, zoned Office and Institution-I.

The property is located on Trinity Road at the intersection of Nowell Road, outside the City Limits.

CR-5823 from the Planning Commission recommended that this request be approved according to a map entitled, "Trinity Hills Condominiums," the property of Trinity Road Properties Associates, drawn by McNeely Associates, dated September 16, 1985, with the condition that improvements to the required public street stub-out to North Carolina State property to the east are made when the adjacent property is developed, pursuant to existing City policies, or before the last lot is recorded.

Planner Director Chapman explained the subdivision with Ms. Cates indicating she had questions about the sidewalk and pedestrian access. Mr. Chapman indicated this subdivision shows sidewalks according to City code and they were included in the plan approval in group housing. He indicated the future subdivision picks up the sidewalk requirement and there are adequate sidewalks. Ms. Cates indicated she just wanted to make sure pointing out when we have a subdivision this big she wants to make sure that we do have adequate pedestrian access. Ms. Cates moved the Planning Commission's recommendation be upheld. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PA-122-85 - HOLMES GARAGE - APPROVED WITH CONDITIONS

This is a request for approval to construct a 3,750 square foot building for automotive services on a 0.30 acre parcel, zoned Neighborhood Business.

The property is located at the southeast corner of the intersection of Pecan Road and Hickory Road, just west of Wilmington Street, inside the City Limits.

CR-5837 from the Planning Commission recommended that this request be approved according to a map drawn by Ragsdale Consultants, PA, dated September, 1985, owned by Dale Holmes, with the following conditions: (1) that the cross-access agreements with adjacent rear lot be reviewed and approved by the City Attorney's Office prior to issuance of building permits; and, (2) that the parking lot be paved.

Ms. Block indicated that she pulled this from the Consent Agenda explaining she had problems identifying with the street names. Mr. Chapman indicated a portion of the street has been renamed Hickory Road. Ms. Block moved that the Planning Commission's recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PA-128-85 - LANDMARK CENTER PHASE II - REFERRED TO THE LAW AND FINANCE COMMITTEE

This is a request for approval to construct an addition (Phase II) to an existing office building. Phase II is to be a five-story, 86,000 square foot building on 7.02 acres, zoned Office and Institution-I. Total square feet of Phase I and Phase II will be 170,650 square feet.

The property is located at the southwest intersection of Six Forks Road and Northbrook Drive, inside the City Limits.

CR-5838 from the Planning Commission recommended that this request be approved according to a map drawn by Bass, Nixon and Kennedy, dated July 13, 1984, owned by Radnor/Raleigh Partnership.

Planner Director Chapman explained the plan. Chairman McNeely indicated the parking requirements and the impact of this building on the neighborhood was discussed in

depth by the Planning Commission after which the recommendation was passed by unanimous vote. Mr. Congleton indicated this is one he is real glad to see that the Planning Commission looked at very carefully. He indicated he was very concerned about the one building that is located there and its impact on the neighborhood is "iffy". He stated he would like to refer this to the Law and Finance Committee to look at and in the meantime talk with some of the neighbors about the impact on the neighborhood. He pointed we are putting tremendous amount of traffic on a road that is already overburdened. He moved that the item be referred to the Law and Finance Committee. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SUBDIVISION S-178-85 - OAK POINT CLUSTER UNIT DEVELOPMENT - TO BE PLACED ON THE NOVEMBER 5, 1985 AGENDA AS SPECIAL ITEM

This is a request for approval to subdivide, as a cluster unit development, a 26.96 acre undeveloped tract, zoned Residential-4, into ninety lots.

The property is located at the intersection of Dickens Drive and Calvert Road, just north of New Bern Avenue and adjacent to Enloe High School, inside the City Limits.

CR-5849 from the Planning Commission recommended that this request be approved according to a map drawn by Penny Greene and Associates, dated September 27, 1985, owned by Dwight Stone, with the following conditions: (1) that the legal documents for the nonprofit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of the final plats; and, (2) that a variance be approved to allow a dead-end drive greater than 800 feet in length.

Planning Director Chapman explained the subdivision and the concerns of the Planning Commission. He explained the recommendation about the variance. He pointed out all alternatives to giving the variance were explored. Mr. Walters indicated Longview Lake is the large lake to the east of this property. He explained the general surroundings and pointed out he has discussed the traffic problems on New Bern Avenue a number of times recently. He indicated in his opinion he feels something could be worked out so that we could have a second access into this area and he would like to place this on the next Agenda to give him an opportunity to work out something with the developer. Without objection it was agreed that Subdivision S-178-85 would be placed on the November 5 Agenda as a special item for consideration at that time.

REPORT OF THE TELECOMMUNICATIONS COMMISSION

***CABLEVISION OF RALEIGH - RESOLUTION PRESENTED; BROCHURE ON TELECOMMUNICATIONS - TO BE PLACED IN LOBBY OF MUNICIPAL BUILDING; JULY 1 ANNEXATIONS AND STATUS OF ACCESS STUDIO - REFERRED TO THE LAW AND FINANCE COMMITTEE

Joan Baron, Chairperson of the Telecommunications Commission, was at the meeting pointing out Cablevision of Raleigh has just completed installation of their 60 channels and has 60 channels available to all citizens of Raleigh who have requested it. She indicated the Telecommunications Commissions saw fit to issue a resolution. She explained the Commission asked her to present this resolution to representatives of Cablevision of Raleigh before the Council. Martin Sheridan and Randy Frazier were at the meeting to receive the resolution and Ms. Baron read the resolution in full. The resolution applauded Cablevision of Raleigh for its successful and exemplary installation of the new system and further commends the cable system to the citizens of Raleigh as one of the most advanced and reasonably prized systems available in the nation.

Ms. Baron presented Council members with a copy of the brochure that has been developed by the Telecommunications Commission, pointing out they would like to make this brochure available to the public in the lobby of the Municipal Building. Various Council Members indicated they felt that was a good idea and that was agreed to.

Ms. Barron indicated two members of the Telecommunications Commission and the Cable Administrator attended a conference in St. Louis recently, pointing out it was a very successful conference and she felt that the representatives of Raleigh came back with some very good ideas.

Ms. Baron indicated another item of concern relates to the July 1 annexations of the City of Raleigh. She pointed out the City's franchise requires that the cable company provide service to all areas annexed into the City within six months of the annexation. She stated the Commission reviewed the City's July 1 Annexation and found out, with three exemptions, all annexations are now provided cable service. The exemptions are: The Reedy Creek Section where there are no residences, Umstead State Park - a letter from NC Department of Administration states there is no need for running cable to Umstead Park at this time and property covered by rezoning application Z-106-85 known as the Harlon Annexation which presents a unique situation. She stated the location of the residences is not known at this time nor is it expected to be known by the end of the six months period. She stated by unanimous vote the Telecommunications Commission recommends that the six month requirement to provide cable service be waived with the understanding that the waiver will be reconsidered when the property development plans become known. Mayor Upchurch indicated he had no real problems with this but he would either like to place this on the next Agenda or refer it to a committee stating again he sees nothing wrong with the Telecommunications Commission's recommendation but he feels

the Council should involve itself with this issue and make sure everything is ok. Ms. Baron indicated she felt there was time for the Council to review it and not cause any problems as far as the time frame is concerned. Without objection it was agreed to refer that portion of the request to the Law and Finance Committee. Ms. Cates asked that the Law and Finance Committee also receive a progress report on the access studio. Without objection that to was referred to the Law and Finance Committee.

Brief discussion took place with Ms. Cates pointing out she had received some complaints relative to the unavailability of C-Span in the Cameron Village area, as they are not able to get the upper tiers. The representative of Cablevision indicated if these persons live in an apartment complex, that is probably true, as they have been unable to get the owner of the apartment complex to sign the contract. Mr. Walters indicated that he did not understand the billing pointing out the basic service went up to $8 and he hasn't added anything or taken anything away. The representative of Cablevision indicated they would look into Mr. Walter's bill.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

***PUBLIC WORKS COMMITTEE REPORT AND RECOMMENDATION - APPROVED AS AMENDED

Mayor Upchurch indicated if the Council so desired the report and recommendation of the Public Works Committee could be handled in the same manner as the Consent Agenda. Ms. Cates indicated she would like to withdraw S-147-85 - Gregory K. Johnson Property from the recommendation. Without objection that was agreed to. Ms. Block moved approval of the Public Works Committee recommendation with the exception of S-147-85. Her motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The items on the Public Works Committee recommendation were as follows:

***TRAFFIC - NO PARKING BEDFORD AVENUE - APPROVED

The Public Works Committee recommends that parking be prohibited on both sides of Bedford Avenue between Chamberlain and Latta Streets, 8 a.m. - 5 p.m., Monday through Friday. Consent Agenda approval: Block/Congleton - 7 ayes. See Ordinance 651.

***WATER AUTHORITIES - CITY'S POSITION - STATED

The Public Works Committee recommends that the following be submitted to Wake County as the City's position relating to a regional water system:

(1) The City intends to be the provider of water and sewer service for the City of Raleigh.

(2) Financing of such facility should be based on a "user-pay" system.

(3) Residents of other areas of the County should not subsidize the building of supply and treatment systems. The County has only funded water distribution lines and sewer collection lines in various towns. However, these lines have not been transmission lines from the treatment plant to the distribution system of the town. Such a policy should continue by the County.

(4) A sub-regional water system could involve a change in the use of water by some municipal government customers of Raleigh. This will need to be coordinated to allow a suitable phasing out of any such customer usage and the associated funding to avoid an adverse impact on the City's budget.

(5) Land use planning should be addressed by all pertinent local governments which would be involved in an expanded water system to assure that urban sprawl does not accelerate. The County will need to be an active partner to guide the growth to the existing urban areas.

(6) The City of Raleigh, at the request of Wake County, agreed to coordinate its interest in Jordan Lake as a water supply. As such, the City submitted a statement of potential need for water supply which indicated a long-term need which would be coordinated by the County. The City of Raleigh will need to be involved in the allocation of water supply capacity from Jordan Lake, and how this will correlate with the capacity of Falls Lake which is currently being indirectly used by the towns and may need to be adjusted.

Public Works Consent Agenda approval: Block/Congleton - 7 ayes.

***ALBERMARLE DRIVE CURBS AND GUTTERS - PROPERTY OWNER TO ADHERE TO REGULATIONS

The Public Works Committee recommends that this property owner adhere to all current regulations in the subdivision of this lot as outlined on CR-5614, approved by the City Council on June 18, 1985. Public Works Consent Agenda approval: Block/Congleton - 7 ayes.

***FLETCHER PARK - BORDEN BUILDING - HISTORIC PROPERTY COMMISSION AND ARTS COMMISSION TO AID THE CITY

The Committee recommends that the Historic Properties Commission and the Arts Commission be requested to aid the City in seeking an organization that may be interested in making feasible use of this building. The City Council's recent decision was to defer demolition of the building for six months (April, 1986) in order to determine if "a suitable public use and funding plan" for the building developed. Any proposals should be reported back to the Council. Public Works Consent Agenda approval: Block/Congleton - 7 ayes.

***PA-104-85 AND GH-28-85 - CLARENDON OAKS - APPROVED WITH CONDITIONS; TRAFFIC SITUATION ALONG NEW BERN AVENUE - RETAINED IN COMMITTEE

The Public Works Committee recommends that the request for 27 units in three buildings on a site of 2.03 acres located on New Bern Avenue, south side, east of Longview Shopping Center, inside the City Limits, be approved according to a map entitled, "Clarendon Oaks," the property of Clarendon Oaks Partnership, drawn by Woodrow L. Yonts, dated July 22, 1985, with the conditions that:

(1) The existing private drive is approved by the Engineering Department as meeting City standards prior to building permit issuance, or the drive be reconstructed to meet City standards;

(2) That the drainage pipe, when relocated, will drain into the current retention basin that runs off the existing parking lot;

(3) That the building meet the 30-foot setback requirement from the dedicated right-of-way of Clarendon Circle; and,

(4) If and when the City constructs Clarendon Circle, this developer will provide driveway access to that road.

The Committee is holding the study of the traffic situation on New Bern Avenue from east of Lord Berkley Road to west of Dickens Drive.

Public Works Consent Agenda approval: Block/Congleton - 7 ayes.

END OF PUBLIC WORKS CONSENT AGENDA

***SUBDIVISION S-147-85 - GREGORY K. JOHNSON PROPERTY - APPROVED WITH CONDITION

The Committee recommends that this request to subdivide a 3.6 acre tract, located on the east side of Leesville Road, north of Ray Road, inside the City Limits, be approved according to a map entitled, "Preliminary Subdivision Plan for Gregory K. Johnston, Leesville Road, Raleigh, NC," the property of Gregory K. Johnston, submitted by L. I. Chasak, dated July 18, 1985, with the following condition:

That the subdivider connect to City water and sewer lines which will be extended to the property by the City and that the subdivider extend the water and sewer lines along the frontage of his property according to the City's subdivision regulation.

Ms. Cates indicated she withdrew this from the Public Works Consent Agenda, questioning how we were going to resolve the road improvements for this subdivision, pointing the owners' cost would be between $60,000 and $80,000. Ms. Block indicated the Committee did discuss that and pointed it is extremely valuable land and the owner or developer would have to make the road improvements. The need to get development impact fees in place was discussed briefly. Ms. Block moved the Public Works Committee's recommendation be upheld. Her motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***STREET IMPROVEMENTS - CLARENDON CRESCENT - PUBLIC HEARING AUTHORIZED

Mr. Walters indicated in the Public Works Committee's report PA-104-85 and GH-28-85 - Clarendon Oaks was approved with several conditions. He stated he has no problem with that. He pointed Clarendon Crescent has a tremendous traffic problem already and he sees no reason for not extending Clarendon Crescent south of New Bern Avenue. He explained the right-of-way is there and he feels that it would make this situation much better. Therefore, he would move that the City Council adopt a resolution of intent to consider constructing Clarendon Crescent one-block south of New Bern Avenue. His motion was seconded by Ms. Cates and after brief discussion on the fact that the Public Works Committee is holding the item relating to traffic in this area in Committee the motion was put to a vote and passes unanimously. The Mayor ruled the motion adopted. Resolution 967.

RESOLUTION NO. 1985 - 967

A PRELIMINARY RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO MAKE STREET AND SIDEWALK IMPROVEMENTS AS DESCRIBED HEREIN AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council under the provisions of Section 6.44 of the Charter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, is authorized to require street improvements without petition under the conditions therein set out; and

WHEREAS, the City Council finds that improvements as described herein are necessary in the public interest;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Section 6.44 of the Charter of the City of Raleigh; Chapter 1184, Session Laws of North Carolina, 1949, as amended:

Construction of a street, known as the extension of Clarendon Cresent, 31 feet back-to-back with the installation of curbs, gutters, drains and sidewalks on one side, said street to be south of New Bern Avenue and extend approximately 350 feet.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e. the cost of one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh).

Section 3. New sidewalk construction or extension shall be assessed according to property frontage and shall be assessed property on both sides of the street improved by an equal rate per foot of such frontage, however, the Council may direct that new sidewalks be constructed or extended on one side and assessed against property abutting both sides. But when a sidewalk is repaired or reconstructed, the entire cost thereof shall be assessed against the property abutting the improvement.

Section 4. That property abutting on the street to be improved shall be connected with water mains, sewer mains, and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 5. That the terms and manner of payment of street and sidewalk improvements assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 6. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 7. That a public hearing on all matters covered by this resolution shall be held on the 19 day of November, 1985, at 1:00 p.m., in the Council Chamber of the Municipal Building, Room 201, in the City of Raleigh, North Carolina or as soon thereafter as the matter can be reached.

Adopted: 10/15/85

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

***REAL ESTATE COMMITTEE REPORT AND RECOMMENDATION - HANDLED AS CONSENT AGENDA - APPROVED

Mayor Upchurch indicated that if the Council so desired the Report and Recommendation of the Real Estate Committee could be handled in the same manner as the Consent Agenda. No one asked to pull items. Mr. Walters moved that the Report and Recommendation of the Real Estate Committee be approved as presented. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Real Estate Committee were as follows:

***SALE OF SURPLUS PROPERTY - 901 EAST HARGETT STREET - TO BE SOLD - MINIMUM BID SET

The Real Estate Committee recommends that the City declare the property at 901 East Hargett Street surplus and direct that it be sold with a minimum bid of $6,500. Real Estate Consent Agenda approval: Walters/Congleton - 7 ayes.

***WHITE HOLMAN HOUSE AND LOT - TO BE SOLD WITH DEED RESTRICTION - MINIMUM BID SET

The Real Estate Committee recommends that the relocated White Holman House and lot on New Bern place be sold at a minimum bid of $128,200 with a deed restriction of 2 years assuring the required restoration to the house or reversion to the City. Real Estate Committee Consent Agenda approval: Walters/Congleton - 7 ayes.

***COMMUNITY DEVELOPMENT - FAIR MARKET DISPOSITION VALUES - SET

The Real Estate Committee recommends that the Administration's recommendations be approved for the fair market disposition values on the following properties: 405 Haywood Street - $10,000*; 403 Haywood Place - $4,360; 412 - 414 Dakar Street - $4,360; 509 East Martin Street - $12,000*: *Standard deed restrictions are to be placed on those with improvements on them - two-year period to bring structures to standard. Real Estate Consent Agenda approval: Walters/Congleton - 7 ayes.

***CD-111 SOUTH HAYWOOD STREET - OFFER OF PURCHASE APPROVED

The Real Estate Committee recommends that an offer to purchase the property at 111 South Haywood Street for $40,000 be approved. Real Estate Consent Agenda approval: Walters/Congleton - 7 ayes.

***FIRE STATION SITE - CREEDMOOR ROAD/MORGANS WAY - CITY TO PURCHASE

The Real Estate Committee recommends that the property located the northwest corner of Creedmoor Road in Morgans Way intersection be purchased at the sum of $48,600 for a proposed fire station site. Real Estate Committee Consent Agenda approval: Walters/Congleton - 7 ayes.

REPORT AND RECOMMENDATION OF THE NOMINATING COMMITTEE

***APPOINTMENTS - VARIOUS COMMITTEES - NOMINATION COMMITTEE EXCEPTED; TO BE PLACED ON THE NOVEMBER 5 AGENDA FOR CONFORMATION

Mr. Walters reported that the Nominating Committee recommends the following appointments/reappointments. This is a first announcement; therefore, no action will be taken other than open the floor to nominations.

Electrical Examining Board - Reappointment of Larry Nunnery, representative of the Public Electric Utility

Housing Appeals Board - Reappointment of Francis L. Roberts

Downtown Advisory Committee - Appointment of Tom Worth

Arts Commission - Appointment of Fran Tomlin

There being no nominations from the floor it was agreed that these recommendations would be placed on the November 5 Agenda to consider conformation.

***NOMINATING COMMITTEE - NEW COMMITTEE APPOINTED; LENGTH OF SERVICE ON VARIOUS BOARDS - REFERRED TO THE NOMINATING COMMITTEE; ANNE FRANKLIN NOMINATED FOR THE NEXT BOARD OF ADJUSTMENT VACANCY

Mayor Upchurch announced that it is time to appoint the new Nominating Committee and he would name Mr. Congleton, Ms. Cates and himself as the New Committee with Ms. Cates being chairperson.

Mr. Walters indicated he had no problems with the new Committee being appointed. He stated however, when the next Council comes in December, he would like to make some suggestions, so that we could have a rotation on the Nominating Committee so that each three months we would only have one person going off. He stated that would allow everyone to serve the same amount of time and give some continuity to the Nominating Committee.

Mr. Congleton indicated there has been some discussion relative to limiting a person's time on any board or commission to four years rather than the present eight years. He stated he would like to ask Administration to draft an ordinance that would limit a person's service on a particular board to four years. Ms. Babb indicated that may be a good idea but may be we should look at it in Committee. She indicated the present Committee has worked under the assumption that if a person serves one term of two years and is doing a good job and has a good attendance and wants to return then that person should return. She stated she hopes that flavor will not get lost. Without objection it was agreed that the Nominating Committee could discuss terms of person on boards and commissions and make a recommendation.

Ms. Block pointed out she has not sure when to make nominations now due to the turnover of the Nominating Committee but she would like to put Anne Franklin's name in when a vacancy on the Board of Adjustments comes up. That was referred to the Nominating Committee.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

***CITY MARKET PROJECT - DEADLINE FOR CRANSTON DEVELOPMENT CORPORATION - MET; NCNB HOUSING PROJECT - INFORMATION RECEIVED

City Manager Benton indicated today is the deadline for Cranston Development Corporation to secure equity relating to the City Market Project. He indicated he was informed by telephone yesterday that they have met the deadline and received a confirming letter early today. He indicated the Real Estate Committee is working on securing land for the project. The item was received as information.

City Manager Benton indicated Dennis Rash, of NCNB CDC was at the meeting and earlier in the afternoon the Council acted on the housing project on Davie Street. He indicated Mr. Rash is interested in the text change scheduled for the night meeting and would not be able to be at the meeting therefore, he would like to make comments now.

Dennis Rash indicated they are very pleased that the City Market Project is viable and moving ahead and that brings the City to the next phase of downtown development and that is the implementation of the housing aspect and the need for the people who choose to live in that area to know that the area will be predominately residential. He indicated as everyone knows the purchase of a home is many times the largest investment a person makes and they must have some assurance of what their neighborhood will be like. He indicated the proposed text change that will be heard tonight attempts to balance the fine line of being fair to the existing neighborhood as well as being fair to the future residents. He indicated this will be a mixed use neighborhood but he feels the zoning should be predominately residential. He stated they are not planning to be dislocating wholesale existing commercial uses pointing out those that are compatible for shopping, neighborhood facilities, etc., will be encouraged to stay in the area. Mr. Walters indicated he is sorry Mr. Rash could not be at the meeting tonight. He stated that he had numerous calls concerning the proposed text change and rezoning scheduled for the night meeting relating to this area. He stated many of the present uses will not be compatible with the proposed down zoning and he feels it will be grossly unfair to down zone the property without paying the people for their investments. Mr. Walters pointed out in this area there is some light industrial uses that will be clearly incompatible with the housing. He stated this area has not enjoyed all the success that some of the other areas of Raleigh have had. Mr. Rash pointed out he doesn't feel that they will be embarking on any immediate wholesale land acquisition pointing out he knows we have to be fair to the residents and businesses that are there. He stated we have to be equitable and even handed but it is very important that we have a neighborhood that is residential and that the people understand it that way and it seems that the language in the proposed zoning category permits those ranges and permits ranges that are wider than what we have now. Mr. Walters stated he has no problem with the concept of the development but pointed out there are some industries such as the Ice House that have been paying taxes on industrial zoning and we are talking about down zoning their property. Mr. Rash indicated that he understood Mr. Walters comments.

***CITY MANAGER'S REPORT - HANDLED AS CONSENT AGENDA

Mayor Upchurch indicated if the Council wishes we could handle the report and recommendation of the City Manager in the same manner as we handle the Consent Agenda. Mr. Walters requested that the updating of the Housing Assistance Plan be withdrawn. Ms. Block requested that the City/State Road Improvement Project be withdrawn. Mayor Upchurch requested that the report from the State Division of Environmental Management - Air Quality as well as the Facilities Fee Study be withdrawn. Without objection these items were withdrawn from the Manager's report. Mr. Congleton moved that the Manager's recommendations on the remaining items on his report be upheld. His motion was seconded by Ms. Babb and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Manager's report were as follows:

***ARTS COMPETITION - HEART OF RALEIGH - PRECLOSING AUTHORIZED; CODE CHANGE RELATING TO ALCOHOLIC BEVERAGES - ADOPTED

NCNB has been sponsoring an art competition to encourage submittals of artwork depicting downtown. NCNB desires to sponsor a festive event on the evening of Friday, October 18, 1985, to unveil the results of this competition. It is desired that this be scheduled in the City Market area. It will include entertainment, food, and beverages.

Recommendation: To provide for an atmosphere for general enjoyment by the public, it is recommended that the Council approve closing of Wolfe, Blake, and Parham Streets (in City Market Block) from Noon until 9:00 p.m. on October 18, 1985, and sale of food and alcoholic beverages (beer) in City property which as been acquired in the project.

This action would require an ordinance modification, and the City Attorney will have the proposed Code revision available at the Council Meeting for consideration. City Manager Consent Agenda approval: Congleton/Babb - 7 ayes. Ordinance 652.

ORDINANCE NO. (1985) - 652

AN ORDINANCE TO TEMPORARILY REPEAL SECTION 12-4001 OF THE RALEIGH CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 12-4001 of the Raleigh City Code is hereby repealed as of 5:00 p.m. October 18, 1985, but shall be considered as being reenacted at 12:01 a.m. October 19, 1985.

Section 2. This ordinance shall be transitory in nature and shall not be codified.

Section 3. This ordinance shall become effective upon adoption.

ADOPTED: 10/15/85

***CRABTREE CREEK - ENCROACHMENT INTO FLOODWAY RELATING TO CRABTREE VALLEY SHOPPING CENTER - APPROVED

The City Council recently amended the City Code to allow the Council to grant encroachments into the floodway when documentation is submitted to verify no appreciable increase in flood elevation.

The owners of Crabtree Valley Shopping Center desire to encroach into the floodway to construct a ramp to the rear parking deck on the Edwards Mill Road side of the center. The Corps of Engineers and the Federal Emergency Management Administration confirm that the project will cause no appreciable increase in flood level.

Recommendation: That the Council approve the proposed encroachment into the floodway. City Manager Consent Agenda approval: Congleton/Babb - 7 ayes.

***HOLLY SPRINGS - MUNICIPAL WATER CONTRACT - APPROVED WITH CONDITIONS

The Town of Holly Springs has requested an increase in its contract for water sales from 25,000 gallons per day to 100,000 gallons per day.

Recommendation: That the Council approve the water contract revision subject to the execution of the appropriate contracts by Garner and Fuquay-Varina which is the preferred route for distribution. City Manager Consent Agenda approval: Congleton/Babb - 7 ayes.

***DURALEIGH ROAD - ROAD PROGRAM - CONTRACT WITH EZRA MEIR AND ASSOCIATES APPROVED - FUNDS APPROPRIATED

It is desirable to proceed with corridor alignment and design of the section of Duraleigh realignment from Duraleigh Road to Ebenezer Church Road. This would be across the quarry area and other undeveloped land.

Recommendation: That the firm of Ezra Meir and Associates be retained at a fee of $38,800 for this particular project and that the following transfer of funds be approved:

From:	32-2-1000-0100	Council Reserve	$38,800
To:	32-2-5065-0102	Duraleigh Road Relocation	$38,800

City Manager Consent Agenda approval: Congleton/Babb - 7 ayes. See Ordinance 650 PF70.

END OF CITY MANAGER'S RECOMMENDATIONS - CONSENT AGENDA

***AIR QUALITY - REPORT FROM STATE DIVISION OF ENVIRONMENTAL MANAGEMENT - RECEIVED

City Manager Benton indicated we have been working with the State about two years in an effort to monitor and identify air quality problems in the City and it has been ascertained that the City does have some carbon monoxide problems. He indicated the State has the responsibility of assessing and insuring compliance with the air quality standards. He explained this report has been presented to the Technical Advisory Committee and it has been dissimilated to the other local governments in Wake County. He indicated the TAC will be receiving this report and will making recommendations therefore, it is recommended that the City Council receive the report and hold action until we get a recommendation from the TAC. City Manager introduced Ogden Gerald, the Assistant Chief of the Air Quality Section of the North Carolina Division of Our Environmental Management.

Mr. Gerald briefly explained the report indicating he was at the meeting to update the Council on the status of the carbon monoxide problem in the City. He indicated in August of 1984, the Governor sent a letter to the Regional Administrator indicating the State recognized there could be problems in the Raleigh/Durham area. He explained the coordinated efforts to monitor the problem and explained monitoring devices were installed on Wilmington Street in 1979, Person and Cabarrus Streets in 1983 and on Six Fords Road at a later date. He indicated these monitoring stations show that the levels are area wide problems centered on the central business district

of Raleigh and this causes a bit of concern. He indicated further analysis into the monitoring data reflected peak periods. He explained the inspection maintenance program, which is a program of tail pipe testing that can be implemented by the Department of Motor Vehicles. He indicated this would be a mandatory test and the rate of the State inspection would increase from $4.25 to $8.50 and explained how the fee structure would be divided up. Mr. Gerald indicated if a person is found to be in noncompliance they would be required to have repairs made to bring their automobile in compliance. He stated this will identify those cars which are gross emitters of carbon monoxide. He went through the report in detail outlining work that has been undertaken in the Charlotte Mecklenburg area and efforts that the City of Raleigh have undertaken to this point. He indicated this a controversial program, comprehensive program which would need the support of the local governments. He indicated the State has analyzed the problem that exists pointing out it is felt that if we do not achieve compliance by 1987, it is felt that we will have to implement the Inspection Maintenance Program.

Discussion took place as to the fact that the monitoring stations were at places we had standing traffic and with the proposed improvements to these areas if the problem would decrease, with it being pointed out with the new road improvements it would decrease but not enought to bring us in compliance. Discussion took place on exactly how the program would work if implemented with Mr. Gerald pointing out it would be implemented through the Department of Motor Vehicles and when a consumer went in to have their yearly inspections check they would have to this additional check. He pointed out vehicles older than 13 model years would be exempt as well as first sale vehicles, motorcycles and diesels. He stated their agency would set the standards the vehicles would have to comply with. Ms. Cates questioned if they saw any options to the program such as new traffic flows that would eliminate the problem. The need for the program to be a County wide program was also discussed. How the fees would be distributed and how the inspections stations would be paid was also discussed. The possibility of having a physical examination rather than the tail pipe inspection was also discussed. The persons who have tampered with ignition control devices and had they would be affected was discussed briefly with Mr. Walters pointing out he feels enforcement of the present system would go a long way in solving this problem. He stated in his opinion we need to put some teeth in our present enforcement system. It was agreed to hold this item until a report and recommendation is received from the TAC.

***CITY STATE ROAD PROGRAM PROJECTS - MUNICIPAL AGREEMENT AUTHORIZED

The North Carolina Department of Transportation has agreed to undertake the following small Urban Street Improvement Projects. These are an addition to the 10-year Transportation Improvement Plan.

(1) Jones Franklin Road from Western Boulevard to U.S. 1 (1.03 miles) - Widen two feet each side for paved shoulder;

(2) Spring Forest Road from Falls of Neuse Road, east to City Limits (1.28 miles) - Widen to three lane facility;

(3) New Hope Church Road - Widen bridge at Marsh Creek to fifty-two feet and extend approaches;

(4) Newton Road (0.2 mile), east of Six Forks Road - Install guardrail 700 feet on both sides;

(5) Wade Avenue, westbound lane at exit ramp to Glenwood Avenue, northbound lane - Install impact attenuator and 500 feet of guardrail;

(6) Extend Hodges Street from Atlantic Avenue to existing Hodges Street, east of Wake Forest Road;

(7) Straighten reverse curves on Avent Ferry Road, south of Lake Johnson;

(8) Widen St. Mary's Street, both sides, at Wade Avenue for right-turn lanes and lengthen left-turn lane for eastbound Wade Avenue;

(9) Widen Lynn Road from NC-50 to Ray Road from twenty feet to twenty-four feet; and,

(10) Widen Lake Wheeler Road from South Saunders Street to Raleigh City Limits from nineteen feet to twenty-four feet.

Municipal Agreements have been developed for two of these projects. The first is the widening of Spring Forest Road. The agreement specifies that the State will prepare plans, pay construction costs, and administer the contract. The City would be required to provide all of the right-of-way and clear any utility structures or adjust to meet State plans.

The second agreement involves the widening of the New Hope Church Road bridge over Marsh Creek, east of Brentwood Road. This agreement specifies that the State will prepare plans, pay construction costs, and administer contract. The City will provide all right-of-way and adjust or relocate utilities to accommodate the project.

In addition, the State has requested that the City participate in a safety project on State Road 2711 adjacent to Lake Benson. This involves the installation of a significant amount of guardrails across a tributary of Lake Benson, and City costs should not exceed $20,000.

Recommendation: That the Council approve the execution of the three Municipal Agreements for City/State projects.

City Manager indicated with the exception of No. 3, these are roads that are not in our ten-year Capital Improvement Program. He stated that this is the first step in this project and these will come back to the City over the next 6 to 12 months in various forms. He stated at this point they are coming to the City and propose Municipal Agreement and the City's involvement is the need for the Municipal Agreement. He briefly explained the various projects. Mayor Upchurch indicated these projects are somewhat a plus for the City of Raleigh and explained how they came about commended Highway Commissioner Jim Peeden, for his efforts on the part of the City. Ms. Block indicated she has had some concern with Item 1 relating to Jones Franklin Road. She explained Jones Franklin Road, it's width in the various areas, pointing out at the point it joins Athens which is a collector street, it becomes Jones Avenue and she does not see how putting extra feet would be benefitting, pointing out Jones Avenue needs to be widened to collector standards at that point. City Manager Benton indicated we could pursue that but that is a different question. Department of Transportation Director Blackburn indicated this is basically a maintenance type thing. He stated you have a narrow road that is rutted out and creates a dangerous situation and the two feet on each side would improve the level of safety. he stated what they are talking about would not apply to where we have curb and gutter. Mr. Keller agreeed that on this section adding two feet between Athens Drive and Western Boulevard would not help anything. Ms. Cates questioned if No. 7 would help with the dangerous situation, pointing out she does not understand what a reverse curve is. Department of Transportation Blackburn briefly explained this proposal indicating it would help the situation of the number of wrecks that have occurred in this area. Mr. Congleton moved approval of the Manager's recommendation. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. Resolution 968, 969, and see Ordinance 650 PF 7.

RESOLUTION NO. (1985) 968

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL
OF THE CITY OF RALEIGH, NORTH CAROLINA

WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements within this Municipality under Project 9.8059152, Wake County, said plans consisting of the widening of SR 2015 (Spring Forest Road) from SR 2000 to the City Limits, a distance of approximately 1.28 miles; and,

WHEREAS, said Department of Transportation and this Municipality propose to enter into an Agreement for the above-mentioned project whereby this Municipality agrees to effect the necessary adjustments of all utilities and to provide the right of way for the project, all without cost to the Department of Transportation; and,

WHEREAS, said Department of Transportation agrees to construct the project in accordance with the approved project plans; and,

WHEREAS, the Agreement will further provide for the establishment, maintenance, and enforcement of traffic operating controls for the regulation and movement of traffic on the project upon its completion.

NOW, THEREFORE, BE IT RESOLVED that Project 9.8059152, Wake County, is hereby formally approved by the City Council of the Municipality of Raleigh and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

RESOLUTION NO. (1985) 969

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL
OF THE CITY OF RALEIGH, NORTH CAROLINA

WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements within this Municipality under Project 9.8059153, Wake County, said plans consisting of the widening of Bridge #14 on SR 2034 (New Hope Church Road) and approaches; and,

WHEREAS, said Department of Transportation and this Municipality propose to enter into an Agreement for the above-mentioned project whereby this Municipality agrees to effect the necessary adjustments of all utilities and to provide the right of way for the project, all without cost to the Department of Transportation; and,

WHEREAS, said Department of Transportation agrees to construct the project in accordance with the approved project plans; and,

WHEREAS, the Agreement will further provide for the establishment, maintenance, and enforcement of traffic operating controls for the regulation and movement of traffic on the project upon its completion.

NOW, THEREFORE, BE IT RESOLVED that Project 9.8059153, Wake County, is hereby formally approved by the City Council of the Municipality of Raleigh and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

***HOUSING ASSISTANCE PLAN - UPDATE - REFERRED TO THE PUBLIC WORKS COMMITTEE

The City is required to submit a three-year Housing Assistance Plan to update the current plan. Included in the Agenda packet was the proposed updated plan. This document is to guide the placement of subsidized housing units through the various sectors of the City.

Recommendation: That the Council approve the Housing Assistance Plan for submittal to HUD.

Mr. Walters indicated probably he and Ms. Block are more familiar with this plan than other Council members. He indicated we came up with the plan as required in 1977 and it relates to fair share and eluded to distribution of assisted housing. He indicated in 1980, we came back and although the Northeast and the North area were over concentrated they were placed as top priorities and this update also puts these areas as top priorities. He stated in his opinion we should go back and have a plan that shows specific numbers for specific areas. He stated he would like for this to be discussed in Committee and without objection the item was referred to Public Works Committee.

***FACILITIES FEES STUDY - CITY MANAGER AUTHORIZED TO ENTER INTO CONTRACT WITH SCHOOL OF REGIONAL PLANNING

City Manager Benton indicated we have had a minor setback on developing our Facilities Fee Ordinance. He indicated one of the key staff persons involved is out due to major surgery. He indicated in working on this it would be his recommendations that the City Council authorize the City Manager to enter into an agreement with the School of Regional Planning not to exceed $30,000 to help us with this effort. He indicated it may appear that getting this ordinance in place would be a fairly simple matter but this is not the case. He pointed out this is a unique project and the first piece of legislature like this in the State. He stated we must have a good concept for it to work. Ms. Cates moved the Manager's recommendation be upheld. Her motion was seconded by Mr. Walters.

Ms. Babb indicated the Council has put a high priority in putting this in place and she is not adverse to hiring a consultant. She stated however, she was a little surprised that the City Manager had chosen the School of Regional Planning over an engineer. She stated in this case it is her feeling we need some hard nose, real world understanding to make this work. Mr. Benton indicated he agreed but where we need help is the conceptual framework. He indicated it is felt that we have staff capabilities as it relates to the cost items. There are a couple of people at the School of Regional Planning that have more expertise in this concept than anyone and pointed out he felt their expertise is needed to lead us through this maze. Ms. Babb indicated she understood but pointed out for facilities fees to work they have got to be good reality based. Mr. Benton agreeed, pointing out we would expect to use existing groups such as the RCAC, a subcommittee of the Economic Round Table, the Development Liaison Group that works with Administration, etc., when we get to the fees part. Ms. Babb indicated if all goes well when do we expect to have this in place. City Manager Benton indicated the outside goal, worst case scenario, would be nine months but he is looking toward having it in place in six to seven months. Ms. Babb questioned if this separating out the open space portion with City Manager Benton indicating he did not see how it could be separated. Ms. Block moved that the Manager's recommendation be upheld. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

***CITY ATTORNEY - UPDATE ON QUARRY REPORT - RECEIVED; AUTHORIZATION TO HIRE NEW DEPUTY CITY ATTORNEY - APPROVED; BILLBOARD SUIT - FUNDS APPROPRIATED

City Attorney McCormick indicated he had sent Council members a confidential memo relative to several pending items. He indicated he would like to give an update on the Nello Teer Quarry question. He indicated representatives of Nello Teer have agreed to postpone their quarry expansion plans to allow Ezra Meir to pend down the right-of-way before any quarrying goes on. Therefore, that item does not need action. He stated however Items 1 and 3, of his memo do need action. Ms. Babb moved that the items as outlined in 1 and 3 be upheld. Her motion was seconded by Mr. Keller and a roll call vote resulting in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 650 TF 7.

The items were as follows:

1. New Deputy City Attorney position. City Attorney McCormick indicated the City received many applications for this position but the personnel department aided him in narrowing down the list of candidates and five

candidates were interviewed. He stated based on interviews and resumes he would recommend the employment of Elizabeth Murphy. He outlined Ms. Murphy's qualifications and recommended authorization for him to extend a formal offer to Ms. Murphy.

3. Billboard Suit: City Attorney McCormick indicated he had received a pretrial and trial schedule for the Naegele suit testing the validity of the off premise sign ordinance and requested the Council to appropriate $3,000 from Council Contingency Fund to his court cost account to provide for the hiring of expert witnesses and other trial expenses.

***SECURITY AGREEMENT - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN - ADOPTED

City Attorney McCormick indicated recently the City Council authorized the City Manager to accept securities in lieu of actual subdivision improvements and contractural agreements are necessary for the Administration of these security instruments. He passed out a resolution which would authorize the City Manager to execute security agreement associated City code required improvements on behalf of the City and recommend adoption of the resolution. Ms. Babb moved the Attorney's recommendation be upheld. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. Resolution 971.

RESOLUTION NO. (1985) - 971

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN SECURITY AGREEMENTS.

WHEREAS, the Raleigh City Council has authorized the City Manager to accept securities in lieu of actual subdivision improvements; and

WHEREAS, contractual agreements are necessary for the administration of these security instruments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. The City Manager be authorized to execute security agreements associated with City Code required improvements on behalf of the City of Raleigh.

Section 2. This resolution shall become effective upon its adoption.

REPORT OF MAYOR AND COUNCIL MEMBERS

***WORK SESSION - OCTOBER 17 - COUNCIL

Mayor Upchurch indicated there are no items pending in Work Session and the regular scheduled Work Session is set for October 17. After brief discussion, without objection, it was agreed to cancel the Work Session.

***SISTER CITY - JACK COMEAUX - ADDED

Mr. Walters indicated Jack Como has been attending recent Sister City Committee Meetings. He gave a brief description of Dr. Comeaux background and stated if the Council would permit he would like to add Mr. Comeaux to the Sister City Committee. He put that into the form of a motion which was seconded by Ms. Babb and put to a vote which passes unanimously. The Mayor ruled the motion adopted.

***NEW HOPE ROAD - RAILROAD CROSSING - REFERRED TO ADMINISTRATION

Mr. Walters indicated recently he was tied up in traffic on New Hope Road at the railroad crossing. He indicated evidently the railroad starts switching cars at about 4:00 p.m. every day and this ties up traffic at one of the worst times possible. He indicated he would like for Administration to look into the possibility of trying to get them to do their car switching at some other time possibly at night. The item was referred to Administration.

***TRAFFIC - SIGHT PROBLEM - COLLETON - OAKWOOD - REFERRED TO ADMINISTRATION

Mr. Walters indicated at the southwest corner of Colleton Road and Oakwood Avenue there is an overgrown bush. He indicated this is causing vision problems for motorists. Without objection Administration was asked to look into the situation.

***STREET CLOSING FOR BLOCK PARTY - ADAMS STREET - APPROVED

Ms. Cates indicated she had received a call from Mary Nesbitt asking that the second block of Adams Street be closed between 7:30 p.m. and 1:30 p.m. for a Halloween Party and also requesting waiver of the $50 filing fee. Mr. Keller indicated he has no problem with closing the street but he feels we are opening a pandora's box if we waive the fee for a block party. Discussion took place on why there is a $50 fee, whether it has been waived in the past, etc., after which Mr. Keller moved approval of the street closing but not waiver of the fee. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative except Ms. Cates who voted in the negative. The Mayor ruled the motion adopted.

***GARDNER STREET PARK - PLAY EQUIPMENT - REFERRED TO ADMINISTRATION

Ms. Cates indicated sometime ago the Council discussed the possibility of a swing set or some other equipment being installed at the Gardner Street Park. She indicated this would cost about a $1,000 but as of yet she has not heard anything. Therefore, she would move that the City Council allocate $1,000 out of City Council contingency for a swing set or other simple play equipment for the Gardner Street Park. Her motion was seconded by Mr. Walters. She indicated there is nothing at this park for the younger boys and girls and they just have to watch their older brothers and sisters play. Ms. Cates pointed out this was referred to Administration about six months ago and she hadn't heard anything. Ms. Babb stated she felt that we do need something at the Gardner Street Park but may be it should be referred to Parks and Recreation Department and Mr. Duncan and advise him that it is the will of the City Council for some type of provision for the young children. Brief discussion took place and Ms. Babb moved that the City Council reaffirm its support for some equipment for the young children at the Gardner Street Park and refer this matter to Administration for report back at the next meeting. The substitute motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***CRIME - GORMAN STREET AREA - REFERRED TO THE LAW AND FINANCE COMMITTEE

Ms. Block indicated she had been contacted by Woodrow Cox, who had a break in at his home sometime recently. She indicated in talking with Mr. Cox he wondered about the possibility of having some type special curfew or special patrols because of the crime and related problems in the area. Without objection the item was referred to Law and Finance Committee

***LAKE JOHNSON - EASEMENT - ADMINISTRATION TO REPORT

Ms. Block indicated she understands we have an easement between Athens School and Lake Johnson. She stated it was her understanding we are supposed to have a path connecting the facilities. She indicated if we do have an easement and path we need to have some sign directing people how to get to it, pointing out she has been unable to find the easement location or path. Without objection the item was referred to Administration.

***PUBLIC NUISANCE - SOUTH/SAUNDERS STREETS - REFERRED TO ADMINISTRATION

Ms. Block indicated there is a problem at the corner of West South and Saunders Street in which a merchant has old refrigerators and other items for sale out around the store on the sidewalk, etc. She indicated the City contacted the man and the man cleaned up around the store but now the refrigerators are out on the street again. Without objection the item was referred to Administration.

***JAYCEE PARK - INTERNAL STREET AND EXERCISE TRAIL - REFERRED TO ADMINISTRATION

Ms. Block indicated recently she was in the area of the Jaycee Park and noticed that the internal street is in terrible shape. She indicated in addition the exercise trail is in bad shape as a number of the rings, instructions, etc., are missing. Without objection these comments were referred to Administration for investigation.

***SENIOR GAMES - INFORMATION RECEIVED

Mr. Congleton indicated recently the City Council appropriated some money for the installation of shuffleboard and horse shoe pits related to the Senior Games. He indicated the games have been held and over 800 people attended, pointing out he felt this was a very successful event.

***CARROLL MIDDLE SCHOOL - STATUS OF LIGHTS REQUESTED

Mr. Congleton asked Administration to provide a report on the status of lighting the track at Carroll Middle School. He stated he would like to proceed to get the lights up as soon as possible. The item was referred to Administration.

***ANNEXATION - MILLBROOK BAPTIST CHURCH - CITY CLERK AUTHORIZED TO CHECK PETITION AND SCHEDULE PUBLIC HEARING

Mr. Congleton indicated he understood a petition has been submitted by Millbrook Baptist Church requesting annexation. He stated if no one objects he would like to ask that the City Clerk be directed to check the sufficiency of the petition and, if found sufficient, schedule a public hearing. Without objection this was agreed to.

***MILLBROOK ROAD - TRAFFIC MARKINGS - ADMINISTRATION TO CHECK

Mr. Congleton indicated the markings on the new portion of Millbrook Road need to be checked. He indicated a lot of people are going straight through rather than making the "zig zag" that is required by the detour. He stated it was hoped that the road could be opened soon but until it is, we should do something to the markings to help prevent an accident. City Manager Benton indicated we are essentially through with that project and the agreement was given to the railroads in May of this year but they have not executed the agreements and returned them. Brief discussion took place on the project and the detour after which Administration was asked to look at the markings.

***FALLS OF NEUSE ROAD - BIKE LANES - ADMINISTRATION TO REVIEW

Mr. Congleton indicated all Council members received a letter about the condition of the bike lanes along Falls of Neuse Road. He stated he would like for Administration to review the letter and report back to City Council. Without objection the item was referred to Administration.

***SHOPPING CENTERS - ENFORCEMENT OF FIRE LANES - REFERRED TO ADMINISTRATION

Mr. Congleton indicated some time in the past he brought up the item relating to enforcement of fire lanes in shopping centers. He indicated people park in fire lanes throughout the City and wandered if the Police enforce these fire lanes. Brief discussion took place and Administration was asked to look into the matter.

REPORT AND RECOMMENDATION OF THE CITY CLERK

***MINUTES - OCTOBER 1, 1985 - APPROVED AS PRESENTED

The City Clerk indicated Council members received copies of the minutes of the October 1, 1985, Council Meeting. Mr. Keller moved approval of the minutes as presented. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***STORM DRAINAGE EASEMENTS - BRAXTON COURT - RESOLUTION ADOPTED

During the September 17, 1985 Council Meeting, the City Council adopted a Resolution of Intent to exchange storm drainage easements on Lot 65 on Braxton Court. The proper procedures have been followed; therefore, it s recommended that the City Council adopt a resolution authorizing the exchange of storm drainage easements on Lot 65, Braxton Court. Mr. Keller moved adoption of the resolution authorizing the exchange. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. Resolution 972.

RESOLUTION 1985 - 972

A RESOLUTION TO AUTHORIZE THE EXCHANGE OF CERTAIN STORM DRAINAGE EASEMENTS

WHEREAS, on September 17, 1985, the City Council adopted Resolution 1985 - 949 relating to the City's intent to exchange storm drainage easements involving Lot 65 (1007 Braxton Court); and

WHEREAS, all procedures as set out in General Statutes 160A-271 have been followed.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the easements as outlined in Resolution 1985 - 949 be exchanged and appropriate maps recorded.

ADOPTED: 10/15/185

EFFECTIVE: 10/15/85

***PAVING ASSESSMENT ROLLS 698 - RESOLUTION SETTING PUBLIC HEARING ADOPTED

The City Clerk presented paving Assessment Roll 698 relating to improvements on Grove Avenue. The Clerk recommended adoption of the resolution which would set a public hearing to consider confirmation at the November 19, 1985 Council Meeting. Mr. Keller moved adoption of the resolution. His motion was seconded by Ms. Babb and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. Resolution 973.

RESOLUTION NO. (1985) 973

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

PAVING ASSESSMENT ROLL NO. 698
Powell Fund

WHEREAS, by Resolution No. 1982-941 adopted by the City Council on June 15, 1982, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of curbs, gutters, drains and paving thirty-one feet back-to-back on Grove Avenue from Western Boulevard to existing curb and gutter.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $45,485.87.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvement. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	TOTAL STREET ASSESSMENT	DRIVEWAY REPLACEMENT COST	TOTAL ASSESSMENT
James W. Smart, Jr. & Richard A. Smart	1	0064536	139.8	$ 1,475.00		$ 1,475.00
Bonnie C. Patton	2	0053460	88.9	889.00		889.00
M. W. Woodard	3	0079396	120.5	1,282.00		1,282.00
Marion Dear Stanland	4	0066796	120.0	1,200.00		1,200.00
Inez A. Hearn	5	0029766	150.0	1,551.33		1,551.33
Verna B. Jackson	6	0035004	539.2	5,392.00		5,392.00
Helen M. Doggett	7	0018547	226.4	2,264.00		2,264.00
J. R. Groff	8	0026877	113.2	1,209.00	423.60	1,632.60
Jesse T. Pugh, III & Sandra	9	0034515	56.6	643.00	544.80	1,187.80
Hazel Tyson Ware	10	0074299	56.6	617.33	496.20	1,113.53
Jona F. Pritchard Medlin	11	0035250	56.6	720.00		720.00
Harvey A. Eldridge, Jr., & Hortense	12	0020533	113.2	1,132.00		1,132.00
Fred J. Pepoon & Wife	13	0054304	56.6	566.00		566.00
Fred J. Pepoon & Wife	14	0054303	127.4	1,274.00	259.65	1,533.65
Bonnie C. Patton	15	0078465	100.0	1,000.00		1,000.00
James W. Smart, Jr.	16	0124899	132.42	1,324.20		1,324.20
Gary F. Evans	17	0061719	144.25	1,519.50	107.64	1,627.14
Helen H. Strickland	18	0068325	120.0	1,277.00		1,277.00
Lela J. Campbell	19	0011219	120.0	1,200.00	358.20	1,558.20
Cyrus D. Robinson & Patsy	20	0104769	193.6	1,936.00		1,936.00

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	TOTAL STREET ASSESSMENT	DRIVEWAY REPLACEMENT COST	TOTAL ASSESSMENT
Gladys F. Shahdan	21	0063461	96.8	968.00		968.00
Katherine H.W. White	22	0094069	96.8	1,089.92	780.75	1,870.67
Gladys F. Shahdan	23	0063458	96.8	1,083.50	694.05	1,777.55
Joseph Neal Sasser	24	0062291	193.6	1,936.00	435.45	2,371.45
Posey R. Marks	25	0123895	48.41	496.93		496.93
Posey R. Marks	26	0123896	48.41	484.10		484.10
Elizabeth C. Nowell	27	0121000	96.82	968.20		968.20
B.H. Mims	28	0047560	96.8	968.00	243.60	1,211.60
J. Howard Barrow	29	0004660	193.6	1,936.00		1,936.00
Alan P. Murray	30	0126575	74.6	746.00		746.00
Thomas A. Blanton & Katherine	31	0126576	65.0	771.92	342.00	1,113.92
John A. Elmore, II	32	0126577	74.6	746.00		746.00

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 698 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the day of at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted:

Distribution: City Manager
City Attorney
Revenue Collector (2)
Assessment Supervisor

***PERSONNEL - NEW POSITION IN CLERK'S OFFICE - APPROVED - FUNDS APPROPRIATED

The City Clerk indicated permission is requested to add a new position in the City Clerk's Office - Secretary II. She indicated additional information and necessary funding for the position was included in the Agenda Packet. Mr. Keller moved approval of the request to add a new position and transfer the necessary funds. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 650 TF 70.

***ADJOURNMENT

There being no further business, Mayor Upchurch announced the meeting adjourned at 5:00 p.m.

Gail G. Smith
City Clerk

djh1/c

ZONING MINUTES

The City Council met jointly with the City Planning Commission on Tuesday, October 15, 1985 at 6:30 p.m. in the Council Chamber, Room 201 of the Municipal Building for the purpose of conducting hearings to consider text changes as advertised, an application to change the zoning ordinance and comprehensive plan amendments.

Present were:

City Council	Planning Commission
Mayor Upchurch, Presiding	Mr. McNeeley
Ms. Block	Mr. Grady
Ms. Cates	Mr. Safran
Mr. Congleton	Mr. Solomon
Mr. Keller	Ms. Smith
Mr. Walters	Mr. Durham
Reverend Calloway (absent and excused)	Mr. Rice
Ms. Babb (absent and excused)	Ms. Ridgeway
	Mr. Williams

The meeting was called to order by Mayor Upchurch. Mayor Upchurch explained the procedures for the hearing and asked that those wishing to speak come to the podium and give their names for the record. Prior to each item, an explanation was made of each item advertised for a text change and for the zoning case the area was identified on a map displayed on the wall along with the vicinity locations involved, as well as requested changes, permitted uses in existing zones and proposed zones and the exact location and boundaries of the parcels in questions.

Mayor Upchurch recognized Ralph Campbell, Jr., Councilman elect.

TEXT CHANGE TC-22-85 - DENSITY TRANSFER FOR RIGHT-OF-WAY PROTECTION - HEARING - REFERRED TO CITY PLANNING COMMISSION

This was a proposal that the City Code be amended to allow a transfer of development density in highway projects. Density transfers would be given for any dedication of rights-of-ways in excess of 90 feet provided the dedicators would waive their statutory right to withdraw unopened dedications. The dedicated right-of-way in excess of 90 feet would carry a residential density per acre value as shown on the official zoning map but in no event less than four units per acre. Among other proposed regulations, transfers will be restricted to contiguous properties under the same ownership.

Assistant Planning Director Breazeale explained the text change at length.

MAYOR UPCHURCH DECLARED THE HEARING OPEN.

Bernadine Weddington, 4814 Brookhaven Drive, Chairman of the Raleigh CAC indicated Jack Nichols will make statements representing the CAC this evening. He noted the CAC is still concerned about the timing of items for public hearing. The 8 text changes, two comprehensive plan amendments, and one zoning petition were advertised on September 27, and that is not quite 2½ weeks before tonight's public hearing. She noted not only was there not adequate time to consider these topics thoughtfully, but once again, some documents were not even written at the time of advertising although the legal notice stated that "copies of these proposed text changes, in detail and in ordinance form, are available to the public in the Planning Department." She indicated since the Council is showing such great concern for the text change procedure, she would hope that they would remedy this as well.

Earl Bardin, representing the Chamber of Commerce, indicated they appointed a task force to study this issue which met a number of times, and they have spoken to many people about this proposal. He indicated there is 6.97 miles of roadway in the watershed and that is one-half of 1% of the total acreage in the watershed. He noted the drainage in the area affected by the road goes into Falls Lake, but it also goes into Falls Lake below the intake pipe for Raleigh's raw water supply and felt that this policy is a good way to go. He noted the text change is very technical and has an opportunity for a lot of excitement when people discuss it. He indicated the Chamber would encourage passing this ordinance. He noted the ordinance was studied considerably and there are three points they would like to bring forward. He noted density transfer for public purpose should be put in place. He noted this does not set up a policy for transfer for private purposes and the City should move immediately to implement this ordinance and in cases where it is not economically feasible or any other reason not feasible for transfer, that the property be purchased. He further recommended that the City/County/State or any combination immediately proceed to develop an environmental impact statement that must be done before we proceed with the major portion of the outer loop development. He reiterated there is less than ½ of 1 percent of the effected watershed involved in the right-of-way and the drainage is at the lower end of the lake with very little effect on our water quality. He noted the Beltline as a dividing line is arbitrary because it is not positioned on top of the ridges where the Beltline is concerned. He indicated the people in engineering this project can probably deal with this issue and control run-off to such a point that no additional run-off will be created by the transfer of density or building a road.

Pat Nedwidek, President of the League of Women Voters of Wake County made the following statement:

> "The League of Women Voters of Wake County opposes the proposed density transfer text change because it would result in increased residential density in the Falls Lake watershed. We are convinced that strict limits on residential density, uniformly enforced, are an essential part of successfully protecting the watershed against pollution. As you know, policies adopted in March of this year limit density in the portion of the watershed subject to Raleigh's control to one housing unit per acre in the area south of the route plan for the Outer Belt Loop and to one housing unit per two acres north of the Loop route. These current limits are by no means too strict. Indeed, we fear they may not be strict enough. They will allow the development in the watershed of a substantial resident population pursuing a largely urban style of living. It would be a grave error to permit any relaxation of these limits. Even though the immediate effect might be small, it would be a step in the wrong direction. It would lead to increased pressure for further relaxations and we fear the end result would be a progressive erosion of watershed protection measures generally. Raleigh must stand firm in its commitment to watershed protection. Of all the cities and counties with territory in the watershed, it is Raleigh which takes its water from Falls Lake, and it is therefore Raleigh which has the greatest stake in keeping the lake water clean. Raleigh must set an example of strict protection policies for the other cities and counties to follow. We urge you to reject this proposed text change."

Peter Andrews, 504 Dartmouth Road, indicated there are two key provisions that he opposes - allowing density transfer at a ratio of 4 to 1 which should be just one to one and the idea of transferring density into the watershed, noting this is the primary water protection area. He indicated the City only controls one percent of the watershed, but has responsibility for 100% of the drinking water for Raleigh. He indicated the only effective leverage the City has on the other municipalities and counties controlling this area is to have strict standards for Raleigh's portion. He indicated when you relax the City's standards, others will have an excuse to relax their standards and felt the text change should be denied or modified to delete these provisions.

Frank Jeter, Wake County Soil and Water Conservation District representative, indicated they are concern about water quality. He noted in the last two months they have made tours to keep an eye on water quality. He noted the City Council adopted a great policy previously and this proposed density transfer would have an adverse impact and indicated he would oppose the text change.

Louis Jones, Swift Creek Community action Association, indicated they are concern about what Raleigh does because it affects the county. He requested that the City maintain its protective zoning so we can tell Orange and Durham Counties not to pollute our watershed because we don't.

Tom Taylor, representing Sierra Group, indicated they would oppose this transfer and oppose any weakening of the current regulations protecting this watershed. He felt this sets a bad precedent for the future if we make this change and questioned what happens when we come along with other reasons to change the zoning in Falls Lake. He also felt it damages Raleigh's credibility and if we don't protect our own water supply, why should we expect others to do the same. He indicated we have a similar responsibility to all towns below who draw water out of the Neuse. He indicated this lake was developed with Federal and State money and it belongs to all of us, and we all have the responsibility to be sure others get clean water. He noted inappropriate uses in the area would damage the water quality. He indicated a reliable safe water supply is as essential to growth of Raleigh as a road and nothing should be done that could conceivably compromise water quality in Falls Lake. He noted if damage is done, it cannot be corrected.

Jack Nichols, 2501 Kenmore Drive, was present representing the Raleigh CAC. He indicated they had not had an opportunity to review this text change. He indicated the RCAC would like to provide more comments after their meeting tomorrow night to discuss the text change. He noted the text change had merit as a concept and this is an additional planning tool and allow the acquisition of land voluntarily rather than purchasing it. He noted this would be good for in fill. He indicated he does have major concerns, particularly relating to the watershed as this would allow increased development. He noted this ordinance limits the transfer to contiguous property and if it is changed to allow transfer to other property, it would allow right-of-way acquisition, plus protecting the watershed, plus target high density development for areas where it is desirable. He indicated the other municipalities have used this tool effectively and Wake County also has such as ordinance, but it does not allow transfer within the watershed area.

Jim Peden, noted he represents the Board of Transportation which is appointed by Governor Martin and noted the Outer Loop as has been recognized not only as important for Raleigh and Wake County but for this entire region of North Carolina. He noted many people who come to this part of North Carolina are traveling on such major thoroughfares as the Beltline and they need to go to the Airport, Research Triangle Park or Durham, and they are clogging our current Beltline. He indicated the Department of Transportation last week made a commitment towards this Outer Loop in the ten year plan and increased from three miles in the program to 20 miles and increased the funding five fold. He indicated now it is important that we move up

that schedule and he would be working on that. He indicated the City of Raleigh may have an obligation towards some financial participation. He submitted this should be considered as the City comes forward with major road bond program, noting if it had not been for that bond issue, the State could not have added that program last week. He noted we should also have an adequate and safe water supply.

Dr. Larry Goode, Thoroughfare Planning Engineer of the Department of Transportation, State of North Carolina, indicated this Loop would be vitally important. He indicated there is an urban need of $5 billion dollars in this state. He noted the right-of-way cost is 20% of the project. He noted in recent projects, it has been 50% and we must look for tools to avoid these costs and the density transfer is a viable tool to help protect the right-of-way and keep cost down. In regard to construction in the watershed, he indicated the State has procedures that would protect the watershed from silt and run-off. He indicated they are building freeways now in watershed areas in other parts of the State and they can come up with the necessary sedimentation controls. He indicated in most places the road would be two miles from the reservoir.

Ben Taylor, 1111 Oberlin Road, indicated he was speaking on the part of a few people who are involved in projects in this area. He felt this is a workable, viable option providing proper protection for the watershed in Falls Lake and provide an opportunity throughout the jurisdiction for orderly acquisition of right-of-way for major transportation facilities.

David Howells, a Civil Engineer, indicated he has devoted a good deal of attention to State's role in protecting the reservoir. He indicated he has a deep and abiding interest in protecting public water supply sources. He indicated he is aware the City Council has worked hard to protect this area and the steps taken to date have set a great example for responsible action for other jurisdiction. He indicated any weakening of this posture will be viewed by the upstream areas as an excuse to relax their efforts. He indicated there is a perspective major project bordering the western shore in Durham and Raleigh has everything to lose as a result of this. He indicated Falls Lake has an overwhelming importance to Raleigh as a water supply source. He indicated the City's regulations under the Falls Lake policy are sound and reasonable and reasonably reflect the state of the art. He reiterated the City has taken all the right steps to this point and should stay the course. He felt the first priority should be the protection of the water supply source and any change would be a crack in the door. He felt we should acquire right-of-way in other ways that would not deter our water protection.

Frank Ragsdale, representing the Barton Creek Township Community Action Association, indicated they are a citizens group located in northern Wake County in an area which encompasses Raleigh's ETJ. He indicated they are not opposed to the concept of an Outer Beltloop; however they are opposed in every way to the sections of the text change where the dedication of right-of-way would increase the residential density per acre value, especially inside reservoir watershed protection areas. The Council must not adopt any resolution which increases residential density on contiguous property, nor should it allow for the transfer of density from dedicated right-of-way to other property inside watershed protection areas. He indicated if for the construction of the Outer Beltloop, it becomes necessary to increase residential densities to levels provided for in the text change, the Council will seriously dilute the effectiveness of water quality protection provided in CP-5-84 which was adopted last December 18. He indicated they could find nothing that is reasonable or logical that would warrant approval of this text change and urged that it be quickly defeated. He indicated in the process of considering the text change and weighing the advantages of purchasing comparatively inexpensive right-of-way against the resulting higher density increased urban pollution in the watershed, he believed that additional serious problems exist, which must be dealt with and solved before the text change can even be considered. He indicated they are making the assumption that the proposed Outer Loop will be federally funded and if federal funds are to be acquired, a very clearly defined procedure for planning federal assisted highways is published in the Code of Federal Regulations, Title 23, Chapter 1. He noted these regulations require among other things that alternative courses of action be evaluated, that both a corridor public hearing and a design public hearing be held before the State Highway Department is committed to a specific proposal and that a variety of environmental studies, only one of which is the final environmental impact statement, will be developed. He indicated at this time they could fine no evidence that any of the requirements setforth in Title 23 had been followed. Had proper procedures been followed, the impact on the watershed created by urban densities proposed in this text change would have been evaluated. He further believed that the path of the loop has been preset and that this process has been carried out in violation of federal regulation. He noted as a result, allocation of Federal Highway Funds may have been placed in jeopardy in an attempt to determine if required procedures have been followed and they have forwarded by certified mail a letter to the Secretary of the U.S. Department of Transportation. He reviewed the letter dated October 15, 1985, addressed to Elizabeth H. Dole, Secretary of the U.S. Department of Transportation. He submitted that due to the failure of state and local governments to follow the requirements established by the Federal Government for planning major highways, that the location of the Outer Loop is no more than an arbitrary line drawn on the map. He noted it is entirely possible that the highway would be located in other areas or perhaps not constructed at all. In view of this, he believed that any government action to secure right-of-way dedication is premature and should be deferred until proper procedures had been followed. He urged that any policy change that could be construed as an effort to predetermine the route of the highway be

delayed until all regulatory requirements have been met. He again noted they are not opposed to the concept of an Outer Beltloop, but they do stand in opposition to the Council reversing the decision to protect the watershed when it is obvious that the consequences of this action have not been evaluated.

Dewey Botts, 608 Ortega Road, indicated there are many people not wanting an Outer Loop if it means it would effect the watershed. He indicated there could be serious problems involved, and he would say it would be better to be safe than sorry.

No one else asked to be heard, thus the hearing was closed and the matter automatically referred to the City Planning Commission.

TEXT CHANGE TC-23-85 - TEXT CHANGE AMENDMENT - HEARING - REFERRED TO CITY PLANNING COMMISSION

This is a proposal that subsection 10-2113(e) of the Code concerning "amendment, alterations, changes" be amended by adding a new paragraph to read:

> "The Planning Department is instructed not to accept any applications for amending the text of this code without the prior approval of the City Council."

Planning Director Chapman explained the text change, noting we currently allow any person to file a text change by filing an application in the normal process and this application being filed allows that citizen to have a hearing without question. He indicated the item is then referred to the Planning Commission and then recommendations made back to the City Council. He indicated this change would require that citizens first approach be Council with the proposed text change they have in mind, and then the Council would then evaluate it to determine if a hearing should be held. He indicated this parallels the procedures adopted regarding the adoption of the comprehensive planning amendments.

Mayor Upchurch declared the hearing open.

Jack Nichols, 2501 Kenmore Drive, indicated the RCAC would support this change but he did express two concerns. He indicated they are concerned about how citizens might have input into the text change process. He realized the intent is to have citizens come directly to the Council and let the Council represent them. He indicated it is important to insure under the new process somehow it would be identified the reason for the proposed change as it is important to know the origin and reason for a change.

No one else asked to be heard, thus the hearing was closed and the matter automatically referred to the City Planning Commission.

TEXT CHANGE TC-24-85 - GREENWAY RESERVATION - HEARING - REFERRED TO CITY PLANNING COMMISSION

This is a proposal that Section 10-3019 of the Code be amended to require the reservation of greenway property from the present seven months to 12 months.

Mr. Chapman explained the text change, noting at the time the applicant files a subdivision that begins the time period which allows the City to consider whether it wishes to acquire by some means the land under consideration for a portion or a park or greenway. He explained this would extend that time period from seven months to twelve months from the date of subdivision filing.

Mayor Upchurch declared the hearing opened.

No one asked to be heard, thus the hearing was closed and the matter automatically referred to the City Planning Commission.

TEXT CHANGE TC-25-85 - PRIVATE STREETS IN WATERSHED AREAS - HEARING - REFERRED TO CITY PLANNING COMMISSION

This is a proposal that the Code, Section 10-2072(b) Cluster Unit Developments, be amended to prevent permit streets in the Primary Reservoir Watershed Protection area, providing the private street standards are met and that an area measured 25 feet from the center line of the private street shall be excepted from the area of each adjacent lot, so as not to reduce the lot sizes below 80,000 square feet required.

Assistant Planning Director Breazeale explained the text change noting this relates to areas north of the Northwest Expressway. He indicated the practical way to provide for private streets would have been through cluster development, but that kind of development is not allowed in that area and it is only allowed south of the expressway. He indicated this would confer one of the benefits of cluster development while maintaining the minimum lot size of 80,000 square feet.

Mayor Upchurch declared the hearing opened.

Ben Taylor, 1111 Oberlin Road, indicated this is a small adjustment and does not have a detrimental effect on the goals and objectives set forth. He indicated this is the technique the development community would like to use in terms of private development and to provide the street system without city participation and allow for control of private developments. He indicated all standards should be met.

Jack Nichols indicated he did not understand this text change and it is difficult to respond to something like this without knowing the specifics. It was indicated that Mr. Taylor would explain this text change following the meeting.

No one else asked to be heard, thus the hearing was closed, and the matter automatically referred to the City Planning Commission.

TEXT CHANGE TC-26-85 - BUILDING CODE ADMINISTRATION - HEARING - REFERRED TO CITY PLANNING COMMISSION

This is a proposal for a number of administrative adjustments which includes:

a. Update codes to coincide with State Code references

b. Adjustment of fees for a reinspection which is made after the initial inspection reveals the construction is not in compliance with the Code (from $10 to $25 to reflect actual cost of service.

c. Adjustment of fees for licensing journeymen in various construction trades to reflect administrative costs

d. Providing a utility connection permit at the same time as a building permit to reduce burden of two separate administrative processing action.

Inspections Director Owens explained the text change in detail. He indicated the first item corrects the building code and code references, noting there are several references to State Codes and references by date. He indicated this is a request that the dates be changed to reflect the current published date. He indicated the second change is for the re-inspection fee increase from $10 to $25. He indicated there are several stages during construction that inspections goes out and inspects a project. He indicated as an example when the framing inspector is called on all residential houses, the City goes and inspects and if there is a code violation, these violations are noted and a message is left. He indicated when the developer advises the violations have been corrected, the inspector returns and after the second visit, if they have not been corrected, then the City can charge for the re-inspection. He noted for a residential house, there are 12 inspections by any of four inspectors and you could get as many as 24 inspections of a house before you would be required to pay the re-inspection fee. He indicated this fee is when the City has gone back twice and they still have not made the correction. The third change relates to the licensing of journeymen; noting the Council appoints the board to inspect and license journeymen and the current charge for the examination ranges from $1 to $5, and recommended changing that to $10 to reflect administrative costs. In regard to the journeymen license expiration date, he noted the license speaks to their experience and knowledge and could see no reason to make them renew their license. He noted once they have exercised their knowledge by the examination that is sufficient. The fourth change was explained, noting the construction of all building projects requires the use of water and it is extremely difficult with the cross connection problem. He indicated most construction sites have connected a hose to the water system. He noted the change would require the utility connection permit at the same time as building permit to reduce the burden of two separate administrative processing actions. He indicated they are also requesting that the Council pass an ordinance requiring zoning site inspections before any other work takes place and in instances where the Council has approved a site plan for that project. He indicated they would like the developer to lay out that project on the lot before he starts encumbering any more money so we can address the fact if he needs to make changes. He felt it is better to address any difficulties he had with the site plan at the beginning of a project rather than at the end after all funds have been expended and the project is complete.

Mayor Upchurch declared the hearing opened.

Milton Small, representing the Raleigh section of the American Institute of Architects, indicated he would oppose the prefitting the zoning inspection. He indicated it may become an inflexible situation where they cannot allow field crews to make minor adjustments. He indicated there are potential negative effects and there is cost to the City in staff time and additional inspections and the inspectors are already sorely pressed. He indicated a process is needed to insure the site plan approval process is complied with but it should be flexible, plus timely and responsive. He indicated they would like to work with the City Administration and volunteer their efforts to come up with a mechanism that can be implemented so they do not burden the City Council with every detailed change in the site plan approval process.

Ben Taylor indicated he was concerned about the permit up front, regarding utility connection. He indicated he has no problems with the up front acreage fee, but he would hate this to be construed as a requirement for the total package requirement for permits up front. He indicated we need to be sure this is not construed as requiring total plumbing permits in the beginning and otherwise he would have no problems with the text change.

Raymond Bennett spoke relating to the re-inspection fees of $10 to $25. He indicated sign people have to buy a $10 permit just to wire letters. He indicated they can put up a free-standing sign and run a conduit to the building, but under the electrical code, it says that they cannot hook two individual wires into that box because the

license would not qualify them for that. He indicated they already have double fees and if we go up to $25, he would question what that would do to the sign people. He indicated the City Code and the State Electrical Code should combine before more fees are introduced.

No one else asked to be heard, thus the hearing was closed and the matter automatically referred to the City Planning Commission.

TEXT CHANGE TC-27-85 - COUNCIL EVIDENTIARY HEARINGS - REFERRED TO CITY PLANNING COMMISSION

This is a proposal that the Code be amended to clarify the procedures which are to be followed by the City Council and Board of Adjustment when conducting evidentiary hearings.

Planning Director Chapman explained the text change, noting over the past one and one-half years, the Council has made a number of amendments to the procedures requiring special use permits or others to be issued by the Council regarding particular types of developments. He indicated they are to be issued following evidentiary hearings and this is a hearing where evidence is presented to determine if the conditions precedent to issuing the permit have been met. He indicated the procedures are to be spelled out by this text change. He indicated there are currently rules established for such hearings through the Board of Adjustment. He indicated Section 4 changes certain rules of appeal procedures that have been dealt with by the Board of Adjustment and Section 5 deals with the time of appointments by Wake County Board of Commissioners. He indicated other sections are essentially to incorporate the same runs of procedure and notification of adjacent property owners, advertising, posting, etc. prior to holding the hearing before the Council.

Mayor Upchurch declared the hearing opened.

No one was present to speak, thus the hearing was closed and the matter automatically referred to the City Planning Commission.

TEXT CHANGE TC-29-85 - SIGN ORDINANCE - HEARING - REFERRED TO CITY PLANNING COMMISSION

This is a proposal that the sign ordinance regulations be revised in nonresidential districts: (1) to restrict the size of ground signs in a manner similar to office and institutional ground signs; (2) to create a large free-standing sign which would be allowed in more intense districts; (3) to limit the total signage permitted for any one establishment or building; and (4) to amortize signs made nonconforming by this ordinance within 5½ years of adoption of the ordinance.

Planning Director Chapman explained the text change at length using slides to illustrate the changes. He indicated this text change came about due to the proliferation of ground signs especially for shopping center purposes.

Mayor Upchurch declared the hearing opened.

Gary Hester, 1823 Glenwood Avenue, was present speaking as director of Southeastern Sign Association and representing several businesses in the area. He indicated they were particular distressed about the timing of this hearing and not knowing exactly what to expect, indicating they are here because they are concerned about individual businesses and noted we are talking about on-premise identification signs and not billboards. He indicated he does represent owners of businesses and asked that before this is enacted that the business community and sign makers be included in a plan to discuss these issues fairly. He indicated these signs identify a business located in that area and sometimes so that is the only type of advertising a business can afford. He indicated the new restrictions are too restrictive and would like an opportunity to meet with the planning staff on this change.

Victor Yosky representing Servico, owners of the two Holiday Inns in Raleigh indicated they just erected a free-standing sign on North Boulevard ten days ago and now he is told they would have to remove it. He indicated the sign costs $30,000 and found this text change to be ludicrous.

Gene Hammond, 400 Brandywine, was present representing Exxon Company. He indicated the dealers in his company have gone through considerable expense to the extent of removing all of the highrise signs in the last three years to show their endorsement of existing sign policies and he opposes the new ordinance.

Planning Commissioner Safran questioned Mr. Yosky as to how long the life expectancy of the new Holiday Inn sign is with Mr. Yosky indicating it is approximately 10 years and felt the amortization should be 10 years.

Donald Ryan, Landings Way, was present representing O'Brian's Restaurant and the Restaurant Association. He indicated they operate two restaurants and within the past six months, they have installed two new signs at a total cost of $25,000. He indicated they have conformed to the sign ordinance which is the most restrictive one they have faced in all the cities where they operate. He indicated these signs would not be in conformance under the new ordinance. He indicated they are looking at a write off of $25,000 plus the replacement cost. He noted this is an extreme burden for a company the size of his company, but when he thinks about the small businesses

he represents through the Restaurant Association this could be devastating. He indicated this is the only form of advertisement small companies have and in many cases they cannot afford to replace the signs and cannot do other forms of advertising. He indicated their association including Jerry Williams and the membership have not had very much advance notice regarding this impact. He indicated this is a nine page ordinance and refers to 34 sections of the code and he received copies of the text change yesterday. He felt more time is needed to study it and there is something much more ugly than a sign - that is a four by eight foot sheet of plywood nailed up on a closed business.

Bob Hayward, representing Golden Corral, indicated he would support referring this back to a committee. He objected to the method with which these changes were presented in this hearing by showing slides stating certain signs would conform under the changes, noting some of them would not conform. He noted the indication was the ground signs for McDonald's and Burger King would conform and the ordinance limits them to 3½ feet and felt these signs would not conform. He indicated the way the text change is drafted relates to all geometric sizes and the signs have two faces and you have to consider each side. He indicated there are a number of problems and felt this should be considered further.

Raymond Bennett, owner of A-1 Neon Signs, indicated the sign ordinance we have is difficult enough and expressed opposition to the changes.

Jack Nichols, 2501 Kenmore, indicated his first reaction when he saw this ordinance was it seems the City is trying to pull the grass up and see how the roots are doing. He felt more time should pass before any changes are made and we should go through the same process the previous change went through.

Tom Kern, 4512 Sterling Place, was present representing Eagle Pontiac and the Raleigh Auto and Truck Dealers. He felt the current regulations are stringent enough and opposed the 5½ year amortization. He indicted the factories set guidelines on the current signs and they have gone to great expense to get the current signs conforming.

Mayor Upchurch read the following statement from Raleigh Merchants Bureau, Incorporated:

> "By unanimous vote of our Board of Directors, we strongly oppose the drastic recommendations you are considering concerning the on-premise sign regulations. We think the proposed requirements are too harsh, too rigid and too anti-business. Adequate signs are important to businesses and consumers who are seeking to find them. The unreasonable and unconstitutional proposal to allow 5½ years for nonconforming signs to be removed amounts to confiscation of property without due process and without compensation to the owners. Please remember, there is a suit now pending against the City of Raleigh on billboads alleging unconstitutionality of Raleigh's rules on outdoor advertising. No action should be taken by the City Council until the courts decide the question in dispute. Please do not give Raleigh as a reputation of being a haven for overregulations and anti-business government. We thank you for the opportunity to express our views."

In a letter to the Council, Norma Burns indicated the Appearance Commission has had some interest in bringing both on-premise and off-premise signage into a position of equities where both sides of compliance are concerned. However, the advertised ordinance has not been reviewed by the Appearance Commission and does not have its endorsement at this time. The letter indicated she had not read the ordinance to know whether it has been executed in a spirit of parity or whether it is a workable ordinance and she would like to have the opportunity to study it.

Dewey Botts, 608 Ortega, was present representing Vistas Limited. He indicated they are in favor of this ordinance and they are glad to see Raleigh take the direction that other cities have taken. He supported it as the minimum that the capital City should have. He indicated he heard the same comments about businesses going out on I-40 which has not been the case and the land is selling for more now than previously.

Mayor Upchurch declared the hearing closed.

Mr. Walters questioned how many nonconformities would be involved with this ordinance change, noting he had heard that between 90% and 97% would be nonconforming. Mr. Chapman indicated that figure may be true in a given area where there are predominant commercial areas, but that is not true overall. Mr. Walters indicated the Planning Commission, in considering this, needs to determine how many noncomformities there will be. Mr. Upchurch indicated this would get close scrutiny and was sure the Planning Commission would recognize the far reaching implications on the business community.

Mr. Walters suggested to Mr. McNeely that the Planning Commission may want to consider appointing a committee composed of businessmen, sign people and CAC members like the committee that was established 10 years ago on the first sign ordinance. He reiterated he felt this should go to to a study committee.

Mayor Upchurch ruled that the hearing was closed and the matter was automatically referred to the City Planning Commission.

TEXT CHANGE TC-28-85 - RESIDENTIAL BUSINESS DISTRICT - HEARING - REFERRED TO CITY PLANNING COMMISSION

This is a proposal that a new zoning district entitled, "Residential Business" be created which would reflect the residential emphasis for the Downtown East area along with supportive retail and commercial uses. The uses permitted in the district would include all uses permitted in the R-10 District, plus professional offices and studios, banks, barber shops, beauty shops, cafes, delicatessens, grocery stores, and self-service laundries. Limitations on commercial uses would be similar to those in the buffer/commercial district. The proposed district would be a site plan approval district.

Planner Dave Betts explained the text change in detail.

Mayor Upchurch declared the hearing opened.

Jack Nichols, 2501 Kenmore, indicated the RCAC has been concerned about this due to the importance of neighborhood participation in the planning process. He indicated the RCAC again has not been able to discuss this case since it was so recently proposed. He indicated he was reluctant to make any additional comments before it was reviewed and this illustrates the difficulty for them to comment since it is so recently proposed.

Maso Tomlinson, B-23 Booker Drive, indicated he would oppose this until the present businesses in this area are informed of the consequences. He indicated at a recent Downtown East Task Force meeting, the residents and businesses were told of the acquisition of the businesses and people were informed this was two years away. He indicated according to the booklet, this is less than one-year away. He indicated the new district should not be created for at least 100 days to give everyone time to investigate if this is in compliance with HUD regulations for this type of development and give additional time for businesses and residents to determine the consequences.

Kimmett Johnson, 425 Clover Lane, was present representing some businesses in this area. He indicated they have not been advised of the impact this redevelopment and rezoning will have on them as businesses. He indicated the City has not done any inspections in the area and felt that would occur in trying to remove business use. He indicated inspections is a way for the City to exercise its power and authority. He noted the small business person or resident ends up with their interest not being looked after. He indicated they felt the Council should have the interest of the people at heart and these people have received one notice regarding the meeting to explain these changes which was on October 7 and the notices were received either on October 5 or October 7. He indicated they do not understand the ratifications and they do not understand funding available, grants or loans. He indicated he was concerned about how these people are treated in these areas and what would happen to the business who is renting as well as the residential person who is renting. He felt many of the rents would go up and questioned what would happen to these people then. He indicated the explanation of relocation funds have not occurred and these people should be afforded the opportunity to due process and understanding their rights. He indicated it seems the Council is moving forward against the judgement of the people's interest but not the judgement of developing downtown for its tax base.

Margie Haywood presented a letter from the Historic Properties Commission as follows:

> "At our regular meeting on October 8, the Historic Properties Commission heard a report on the NCNB Design Charette for the Downtown East Project area. The members of the Commission appreciate being included in the Charette presentation and are delighted that the designers have expressed an interest in the architectural, historic and cultural qualities of the project area. The Commission would like to volunteer the expertise of its members to help document these neighborhood qualities. Since it has been demonstrated many times in Raleigh that neighborhood histories add exciting dimensions to revitalization efforts, we feel this would be an appropriate project for the commission."

Sylvia Wiggins, 800 Vardaman Street, indicated she is a residents of the Downtown Raleigh area and director of Helping Hands Mission. She indicated she would be effected by this decision and felt the property should not be rezoned so hastily. She indicated many people have invested years and their entire life and money into this area and felt the Council should slow down and respect these people. She indicated it is easy to say conform or not conform but this could wash out a person's whole business.

Cliffornia Wimberley, 2904 Sandia Drive, indicated she is the property owner of 600 South Blount Street. She felt what everyone is saying is this is moving too fast and one notice was sent to the residents in that area about a meeting on those changes. She explained she has attended that as she has attended other meetings regarding downtown. She indicated each time there has been a lack of information and could never get enough to put this all together. She indicated the people in these areas need those bits and pieces put together and much of what has been presented has not been clear. She indicated in the zoning statement presented to them, there were seven sections of the code referred to, and many of them had not had the time to look at the City Code and review all of these sections. She indicated the people in this area need more time and information and they need to know exactly what the limitations are and the restrictions placed on both residential and business owners

in this area. She urged the Council not to move too fast and give them an opportunity to get the information they need so they all can work together for the betterment of the City of Raleigh.

William Pinckney, 205 Bladen Street, indicated as a resident of the Downtown area, he felt the area is an eye sore. He indicated he was sympathic with a lot of the concerns of the business people, but many businesses are existing right now under the standards and are not up to code and in looking at those things, he felt it is a positive thing that NCNB and the City of Raleigh are doing in bringing this area up to standard. He indicated the businesses that are in existence and feeling threatened should look at the way they are now and felt this proposal would be for the betterment of the total community. He hoped the City would renovate the entire area and bring it up to livable standards.

Ralph Campbell, Jr., indicated he would concur with many of the residents who have spoken. He indicated he was one of those who was instrumental in the Downtown East decisions, and he has not seen all of the information. He indicated he would like to have this delayed so those businesses would have an opportunity to look at this proposal thoroughly.

John Winters, 507 East Martin Street, indicated when you speak about the text change, you haven't gotten into actually rezoning the area, and the difference of what would occur if it is approved. He indicated there would be rights of appeal to the Board of Adjustment. He emphasized what is needed in the area is the kind of funding that is offered by this proposal for revenues to be used. He indicated they need low interest loans to accomplish redevelopment necessary in the area. He indicated he wants to be positive and supportive of this proposal but must have the money to do what needs to be done. He noted all that is being said by some of the people that are concerned about the text change is will that adversity be more adverse than the benefits of the low interest loans. He felt the low interest loans would be of great benefit. He indicated much of what he has now isn't working and he has to pay 12% to 13% interest rates. He indicated this would not work unless they can get low interest loans. He indicated he would like to be positive and supportive of this and it should be adopted, but should be adopted with the understanding that there are people who have had many misunderstandings and there are many who are not clear about the impact. He indicated he is trying to say that he supports this but is supportive of it in hopes that he would like to see the zoning properly handled so they can utilize these funds to redevelop this area because it is needed.

Mr. Walters indicated this district is not being developed for this particular area and could be used all over the City. Mr. Winters felt this would be applicable to other areas but would heavily impact the Downtown area. Mr. McCormick indicated in this case we are dealing with a general text change which would allow the Council to put that type of zoning anywhere in the City. He indicated there is specific zoning case to be heard this evening for this particular area.

No one else asked to speak, thus the hearing was closed and the matter automatically referred to the City Planning Commission.

REZONING Z-130-85 - PORTION OF DOWNTOWN EAST REDEVELOPMENT AREA OF RALEIGH - HEARING - REFERRED TO CITY PLANNING COMMISSION

This request would rezone a portion of the Downtown East Redevelopment area of Downtown Raleigh, located generally between South Blount on the west, East Edenton Street Street on the north, East Street on the east, and East Cabarrus Street on the south, being some 210 parcels within a 14 block area southeast of Downtown area consisting of approximately 30 acres requested by the Raleigh City Council from Neighborhood Business, Office and Institution-II, and Business to the proposed residential business district, according to a map on file in the Planning Department.

Planner Dave Betts explained the rezoning case and indicated it relates to a section of approximately 30 acres ± consisting of 13 blocks in Downtown East. He then reviewed the boundaries and noted the area is identified by the City and NCNB Development Corporation for concentrated housing and redevelopment activity. He indicated the City and NCNB Corporation have an agreement to redevelop for urban residential principally and rezoning is principally residential and supporting commercial uses. He noted the area is within the Downtown East Redevelopment area and the general plan for redevelopment of the Downtown East area was adopted in January of 1982. He noted specific land use districts are recommended in that plan. He indicated under this proposed rezoning, 24% of the current active uses would become legal nonconforming uses - 36 out of 150 active uses. He indicated legal nonconforming uses can continue to operate, however any expansion or major repair or renovation or resumption requires special use permits by the Board of Adjustment. He then presented an illustration showing the area outlined in black and pointed out the conforming and nonconforming areas.

Mayor Upchurch declared the hearing opened.

Vivian Irving, 615 South East Street, indicated for 38 years she has owned Irving's Swain Press at 303 South East Street. She indicated they are interested in the growth and development of Raleigh, however as a property owner and member of the business and representing her family, she would like to oppose this rezoning as set forth. She indicated there has not been adequate information given to those in the area and she did not know all of the details. She noted she would oppose this

rezoning and asked the business people who are in the audience to stand who are in opposition. At this point, approximately 40 persons stood. One person stood in favor of the rezoning.

W. P. Gurley, Realtor, 318 South McDowell Street, indicated he owns property in this area and the rezoning effects the value of the property. He noted he is not in favor of down zoning and indicated that NCNB should purchase the property and then let them ask for rezoning after they purchase the property. He did not want the value of the property to decrease.

Albert Purcell, 2105 New Bern Avenue, indicted he own Purcell's Paint and Body Shop at 321 South East Street. He indicated many of the business owners in the area have not been informed and they have not been inspected by the building inspectors for three or four years. He noted if this is changed, they would be inspected and many would not meet the code. He indicated they would not be protected under the Grandfather Clause, and would be forced out of business. He indicated they have a lot of money invested in these businesses and all of their income is from these businesses. He felt this rezoning would be a hardship and it should be postponed until they are told of the money that would be available for relocation and other options they have.

Hugh Hicks, Real Estate Branch of the Postal Service, Atlanta, Georgia indicated he was present to protect the zoning of Post Office property located at South Bloodworth, Hargett and South East Street. He indicated the present zoning is O&I-II and the property was purchased in 1984 for approximately $52,000. He indicated this rezoning would severely impact the value of their property. He indicated they must use this property for parking and parking is nonconforming use under the proposed ordinance. He indicated they would be forced to use this property for 5-6 years until the new general mail facility is built. He noted the City has expressed interest in their property in the past, and felt they should be treated fairly. He indicated if it is rezoned and an appraisal is made, in the future the value would be less than at the present O&I-II zoning. He indicated O&I-II allows for a wide variety of uses, however the proposed zoning has much less dense arrangement. He indicated the less dense the more the value is affected. He felt the highest and best use of their property is best served by O&I-II and requested that the zoning not be changed.

Tom Erwin, representing Kate Hern of 412 New Bern Avenue indicated Ms. Hern opposed this rezoning. He indicated Ms. Hern was in California until yesterday and he was called this afternoon to look at this ordinance. He indicated he would support the comments of the postal department and noted there is great likelihood that the value of Mrs. Herns' property which is four lots in Block A-72 across the street from the post office would be severely impacted by the rezoning. He indicated it is unusual and somewhat unfair to propose a text change and a rezoning at the same time and purpose to take action upon them at the same time. It is very unusual and very disturbing that the City proposes to rezone this large segment of property while it is subject to exercise of eminent domain. He indicated that is quite highly suspect.

Attorney Clyde Douglass was present representing W. J. and Pauline Killo, 2069 Center Plaza Building in Raleigh. He noted they own Killo Exterminating Company with facilities at the northeast corner of South Person and East Martin Streets. He indicated in addition, they own three other tracts in this area. He indicated he felt to come in with a text change and a zoning at the same time is going to reduce the fair market value of the property. He indicated this change will limit their ability to sell their vacant property and was against proposing a text change and a rezoning at the same time. He indicated they would object to this method rather than going through the normal process of eminent domain.

John P. Greene, Downtown East Task Force indicated at their last meeting they had concerns about this new ordinance and they would like careful study of the impact of this rezoning. He indicated they would also like the nonconforming structures defined and identified. He indicated a lot of businessmen have stated they did not have proper notice prior to this hearing and many of the business owners have heard of the nonconforming aspects of their business. He indicated it is his understanding that no businesses in Downtown East will be forced out due to this ordinance. He understood all businesses in the area will be grandfathered. He indicated at some point, these businessmen should be assured and told in every detail how they will be able to perform if they are in this particular plan. He indicated they would ask that all involved receive the same relocation policy of the Uniform Act they have asked for all other residencts of the City of Raleigh.

Raymond Burnett, Jr., 203 Woodgate Drive, indicated he has lived in this area and knows most of the people in this area. He indicated he was concerned that the only person that objected to it was due to the fact that it was an eye sore to the City of Raleigh. He indicated before now no one suggested anything to help them upgrade their businesses. He indicated he is objecting to any changes to this area noting all of a sudden everyone wants to change it and repair it, but when these people were striving to get these businesses going, they did not know about the City of Raleigh then.

Thomas Conway, 201 Layden Street, indicated as long as the City Council operates without giving the citizens information, there would be rumor and innuendos about what is going on. He noted as long as Raleigh continues to operate without a comprehensive plan for the entire central planning district, the NCNB plan and any

other initiative in this area would meet problems. He urged the Council to move forth with extreme caution with any rezoning in that area and should move forward in adopting a plan for this Central Planning District that would be part of the comprehensive plan for the City of Raleigh.

William L. Carter indicated he owns two parcels of land in the Downtown East area and lives at 3206 Hampton Road. He indicated he is against the zoning change. He indicated it was made evident in January, 1982 that the property was intended to be taken in the Downtown East area and it would be wrong to change the zoning before taking the property. He indicated the City does not have the precedent of changing the zoning before condemning. He indicated as a realtor he would find a lot wrong with changing the zoning. He noted when you appraise property, since this is a new district, there would be no comparables for the evaluation to be based on. He indicated there might be quite a bit of problems brought to the City as a result of this and felt it would end up in Court. He indicated he is bothered that NCNB and the City are working as partners to develop an area; however, he felt that is admirable and the cause is good, but there are many things that have occurred that may make the City look like there is a conflict of interest. He indicated he drove through this entire area and did not see one rezoning sign and noted there should be a number of signs due to the size of the property involved. He indicated letters were sent out with very little time to respond for these people to get together a valid protest petition. When some of the people in this area went to the City and asked for maps that were supposed to be filed in the Planning Department after this item was advertised they were not available. He indicated the City should rethink this proposal.

No one else asked to speak, thus the hearing was closed and the matter automatically referred to the City Planning Commission.

COMPREHENSIVE PLAN AMENDMENT CP-9-85 - AMENDMENT TO MAJOR STREET PLAN - HEARING - REFERRED TO CITY PLANNING COMMISSION

This is a proposal that the major street plan be amended to include the reclassification of a proposed section of Leadmine Road to minor thoroughfare from the vicinity of Sawmill Road to Strickland Road. It is also proposed that an additional proposed collector street be added to the collector street plan from the intersection of Leadmine Road and Strickland Road to State Road 1830.

Planner Dan Tew explained the amendment in detail.

Mayor Upchurch declared the hearing opened.

Bernadine Weddington, Chairman of the Raleigh CAC, indicated when she requested this amendment she received a handwritten document and questioned how the Council expects them to comment on something when the documentation is not available.

Mrs. Block indicated she has heard this complaint several times before and the CAC has a legitimate complaint. She hoped that the Council would get things to them in time for them to review them in their meetings.

No one else asked to be heard, thus the hearing was closed and the matter automatically referred to the City Planning Commission.

COMPREHENSIVE PLAN AMENDMENT CP-10-85 - COLLECTOR STREET AMENDMENTS NORTH OF STRICKLAND ROAD - HEARING - REFERRED TO CITY PLANNING COMMISSION

This was a proposal that Cold Springs Road and Danube Street be deleted as collector streets from the collector street plan. It is further proposed that a new collector street system
be included in the collector street plan of the Comprehensive Plan of the City of Raleigh for the large area north of Strickland Road bounded by Six Forks, Mount Vernon, Honeycutt and Falls of Neuse Roads. Planner Dan Tew explained the amendment. He indicated this began when Ben Taylor asked them to look into the collector street pattern in the area of the proposed Northwest Expressway. He indicated following review the Comprehensive Planning Committee suggested that the City staff come up with an alternative. He then reviewed the workable alternative for hearing. He reviewed the two points that are changes between the map noting Cold Springs would not extend further than the southern area and Danube will not extend over to connect up and other than that, they have maintained a loop road.

Mayor Upchurch declared the hearing opened.

Ben Taylor, 1111 Oberlin Road, indicated they have a 300 acre subdivision proposed in this general area. He noted the terrain is steep and there is a proposed lake and they would like a private subdivision which is the reason for this request. He indicated the action of the Council to down zone the area to large lots means they could build in the neighborhood of 130 lots in the subdivision and did not anticipate there being more than 100 lots. He indicated the main concern is not to have a public street through the project. He indicated he understands staff concern about the alternate plan and he has talked to the adjacent property owners. He indicated the consensus of the people in that area is they would like loop development internally and they have asked to eliminate a collector street through this property.

Dan Waterman, Mount Vernon Church Road, indicated he has still not received any notification of this meeting. He indicated as far as the developer talking to the adjacent property owners, the new proposed route lays waste to 33 acres of the property that has been in his wife's family for 100 years. He indicated they have taken something that is simple and turned it into something truly amazing. He indicated it seems to him by definition that a collector route is to take traffic from subdivisions and get them to a major thoroughfare. He indicated this proposal goes around every subdivision and goes through undeveloped areas. He indicated the 33 acres of his property is all that remains of the Honeycutt property and if that route goes through, there will not be a single acre of that left. He indicated it may definitely be the path of the least resistance, but it is not the path of the least concern.

William B. Parker indicated his notice came Friday relating to this hearing. He indicated the proposal amazes him and noted when you look at this you have a super block divided east to west by the proposed Outer Loop and the proposed collector street divides this into quarters. He indicated all of the development is in the Northwest quadrant where they propose to eliminate the collector street. He indicated he is amazed at this proposal and cannot believe they would eliminate a collector street from the developed areas and propose a collector street through wooded areas where there is nothing. He indicated the new route goes through land which is the most environmentally sensitive.

Bee Weddington, Raleigh CAC, showed the Council Members the document which was handwritten she received related to this amendment. She felt the meeting tonight was "a mockery."

No one else asked to speak, thus the hearing was closed and the matter automatically referred to the City Planning Commission.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:40 p.m.

Brenda Anderson
Deputy City Clerk

jt/SP1/3